Falcon Chambers

Mark Sefton KC

Called 1996 Silk 2018



Practice Summary

Mark is described in Chambers and Partners and the Legal 500 as “outstandingly clever”, “incredibly bright”, “a tenacious fighter”, “practical and commercial”, and “a marvel”. He "has a remarkable gift for predicting what judges will say and do”, and is “fantastically good on the technical side as well as being great at the client facing”. His “grasp of property valuations and their methodology is second to none.”

Mark practises in all areas of commercial and residential landlord and tenant and property law, but has particular expertise in the following:

- Development agreements
- Rent review
- Valuation disputes
- Overage
- Leasehold enfranchisement
- Options
- Contractual interpretation
- Dilapidations
- Lease renewals under Part II of the Landlord and Tenant Act 1954
- Easements and rights to light
- Sale and purchase agreements
- Property-related insolvency
- Complex commercial transactions
- Injunctions against protesters

In recent years, Mark has been instructed in a series of multi-billion pound valuation arbitrations concerning the largest residential property portfolio in England and Wales. He acted in the largest-ever open market rent review in Hong Kong, about a logistics facility in the Kwai Chung container port. He was instructed in the Supreme Court in the leading case on implied terms in contracts, Marks and Spencer v BNP Paribas, and he has appeared in both the Supreme Court and in the House of Lords in cases about leasehold enfranchisement. Before taking silk, he was the Real Estate Junior of the Year at the Chambers and Partners Bar Awards. Mark accepts instructions to act as a legal assessor and as an arbitrator, and he is widely recognised as having particular skill in disputes about valuation.

Education

- Trinity College, Cambridge: MA in English (1994)
- City University: Diploma in Law
- Inns of Court School of Law: Bar Vocational Course

Professional

- Called, 1996 by Middle Temple
- Diplock Scholarship
- Winning Pair, Middle Temple Mooting Competition 1996
- Real Estate Junior of the Year, Chambers and Partners Bar Awards 2012
- Silk - 2018

Recent Cases

- **Mohammed & Ors v. Daji & Ors** [2023] EWHC 2761 (Ch) (dispute over ownership of a 16 acre development site following a schism in the Tablighi Jamaat movement of Sunni Islam; charity law; trusts).
- **Annington Property Ltd v. The Secretary of State for Defence** [2023] EWHC 1155 (Ch), R (Annington Property Ltd) v. The Secretary of State for Defence [2023] EWHC 1154 (Admin) (nationalisation of the Married Quarters Estate by the Ministry of Defence to unwind a 1996 sale and leaseback to the private sector; leasehold enfranchisement; judicial review).
- **Denton Homes Ltd v. Cobb & Anor** [2023] EWHC 1924 (Ch) (option agreements, contractual interpretation).
- **Hush Brasseries Ltd v. RLUKREF Nominees (UK) One Ltd & Anor** [2022] EWHC 3018 (Ch) (relief from forfeiture in respect of termination of an option agreement).
- **Cadogan Holdings Ltd v. Alberti** [2022] EWCA Civ 499, [2022] 4 WLR 59, [2022] HLR 28, [2022] RVR 193, [2022] 2 P&CR 6, [2021] L&TR 23, [2021] UKUT 85 (LC) (valuation, leasehold enfranchisement, statutory interpretation).
- **Hicks v. 89 Holland Park (Management)** [2021] EWHC 930 (Comm), [2022] 2 P&CR 13, [2020] EWCA Civ 758, [2021] Ch 105, [2020] 3 WLR 1105, [2021] 1 P&CR 6, [2019] EWHC 1301 (Ch) (covenants, consents, reasonableness of refusal for development plans).
- **Imperial Tobacco Pension Trustees Ltd v. Kier Integrated Services Ltd** [2020] EWHC 3859 (TCC) (break options, contractual interpretation).
- **Bermondsey Exchange Freeholders Ltd v. Conway** [2018] EW Misc B10 (CC) (Airbnb use, leasehold user covenants, injunctions).
- **Royal Brompton & Harefield Hospitals Charity v. Roupell & Anor** [2019] 1 P&CR 10, [2018] EWHC 1873 (Ch) (Crown immunity, National Health Service Act 1946, Rent Act 1977).
- **Goldman Sachs International v. Procession House Trustee Ltd & Anor** [2018] L&TR 28, [2018] EWHC 1523 (Ch) (break options, construction).
- **Aspers UK Holdings Ltd v. Mofiv Swansea (GP) Ltd & Anor** [2017] EWHC 1855 (Ch) (guarantees, releases).
- **The Co-operative Bank plc v. Hayes Freehold Ltd & Ors** [2017] EWHC 1820 (Ch), [2016] EWHC

2068 (Ch) (surrender, implied conditions precedent, mistake, restitution).

- **John Lyon's Charity v. London Sephardi Trust** [2018] QB 1163, [2018] 2 WLR 1016, [2018] 1 P&CR 2, [2017] L&TR 30, [2017] RVR 295, [2017] HLR 36, [2017] EWCA Civ 846 (leasehold enfranchisement, statutory interpretation, Interpretation Act 1978).
- **Minerva (Wandsworth) Ltd v. Greenland Ram (London) Ltd** [2017] EWHC 1457 (Ch) (development agreements, overage, viability appraisals, valuation).
- **Marks & Spencer plc v. BNP Paribas Securities Services Trust Co (Jersey) Ltd & Anor** (Supreme Court) [2016] AC 742, [2015] UKSC 72, [2015] 3 WLR 1843, [2016] 4 All ER 441, 163 Con LR 1, [2016] 1 P&CR 13, [2016] L&TR 8, [2016] CILL 3779, Times, 12 December 2015 (contracts, implied terms, apportionment).
- **Queensbridge Investments Ltd v. Lodge & Ors** [2015] UKUT 635 (LC), [2016] L&TR 19 (management orders)
- **British Overseas Bank Nominees Ltd v. Analytical Properties Ltd** [2015] EWCA Civ 43, [2015] PLSCS 38 (construction of contracts).
- **Saturn Leisure Ltd v. LB Havering** [2014] EWHC 3717 (Ch), [2014] PLSCS 321, [2014] All ER (D) 167 (misrepresentation).
- **Westbrook Dolphin Square Ltd v. Friends Life Ltd** [2014] EWHC 2433 (Ch), [2014] L&TR 28 (collective enfranchisement).
- **Hicks v. 89 Holland Park (Management) Ltd** [2014] EWHC 2962 (Ch), [2014] PLSCS 252 (injunctions).
- **Venulum Property Investments Ltd v. Space Architecture Ltd** [2013] EWHC 3948 (TCC), [2014] BLR 127 (professional negligence).
- **Baroque Investments Ltd v. Heis [2012] EWHC 2886** (Ch), [2012] PLSCS 213 (insolvency, surrender and dilapidations).
- **Day v. Hosebay Ltd; Howard de Walden Estates Ltd v. Lexgorge Ltd** (Supreme Court) [2012] UKSC 41, [2012] 1 WLR 2884, [2012] 43 EG 116, Times 26 October 2012 (leasehold reform).
- **Humber Oil Terminals Trustee Ltd v Associated British Ports** [2012] EWHC 1336 (Ch) (Sales J); [2012] EWCA Civ 596, [2012] 2 EGLR 59 (Court of Appeal); [2011] EWHC 2043 (Ch), [2011] L&TR 27, [2012] 1 P&CR DG1 (Vos J); [2011] EWHC 1184 (Ch) (Morgan J) (lease renewal and valuation of an oil terminal).
- **Frasers Islington Ltd v. Hanover Trustee Co Ltd** [2010] EWHC 1514 (Ch); [2010] 27 EG 85; [2010] 2 P&CR DG20 (specific performance).
- **Nailrile Ltd v Earl Cadogan** [2009] 2 EGLR 151; [2009] RVR 95; [2009] PLSCS 31 (valuation of intermediate leases).
- **Cameron Ltd v Rolls-Royce plc** [2008] L&TR 22; [2008] PLSCS 53 (specific performance).
- **Boss Holdings Ltd v Grosvenor West End Properties** (House of Lords) [2008] UKHL 5; [2008] 1 WLR 289; [2008] 2 All ER 759; [2008] HLR 29; [2008] L&TR 10; [2008] 1 EGLR 51; Times, 4 February 2008 (leasehold reform).
- **Mohammadzadeh v Joseph** [2008] 1 P&CR 6 (restrictive covenants).
- **Creditforce Ltd v Lay** [2008] PLSCS 25 (leasehold reform).
- **Marine Court (St Leonards on Sea) Freeholders Ltd v Rother District Investments Ltd** [2008] 1 EGLR 39 (collective enfranchisement).
- **Chelsea Properties Ltd v Earl Cadogan** [2007] PLSCS 197 (jurisdiction).
- **JD Wetherspoon plc v Jay Mar Estates** [2007] BLR 285; 113 Con LR 101 (arbitration appeal).
- **Peaceform Ltd v Cussens & Ors** [2006] 3 EGLR 67 (options).
- **Kensington Heights Commercial Co Ltd v Campden Hill Developments Ltd** [2007] Ch 318; [2007] 2 WLR 1040; [2007] 2 All ER 751; [2007] L&TR 30; [2007] HLR 35; [2007] 1 EGLR 130; Times, 20 April

2007 (statutory rights of first refusal).

Publications

- Mark lectures and writes regularly.
- Delivered a Blundell Memorial Lecture in 2014
- Conducted workshops for the Chancery Bar Association and the Property Litigation Association; and has been invited to speak at both the Arbrix and Index conferences.
- Published articles on a variety of topics (including on the Ramsay principle of statutory construction; shared ownership leases; the Pointe Gourde valuation principle; deferment rates; insolvency; and rent apportionment).
- Used to be a contributor to Fisher & Lightwood's Law of Mortgage, and was a joint author of Commonhold (OUP, 2004).

Published Comments

"Mark is an outstanding strategist and advocate of the highest calibre. He demonstrated a rare ability to cut through vast volumes of complex material and distil the case to its core principles with exceptional clarity. His strategic vision ensured that the argument remained tightly focused on the issues that truly mattered." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Mark is one of our go-to KCs for all types of commercial landlord and tenant issues, and his insights on valuation issues are particularly helpful. He is excellent with clients, and his advice is always clear and considered." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"He's exceptionally commercial; having Mark in your corner really makes a big difference. When all hopes are lost he comes up with clever alternative ways of looking at things. He definitely has court craft and presence; when he starts speaking people listen. When he's on his feet, there's an electric buzz when he stands up." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Mark is excellent on valuation issues - he has significant experience and knowledge in this area. A brilliant advocate." *Legal 500 UK Bar Guide 2027 (Valuation and Rating)*

"Mark has exceptional clarity of vision and the ability to make complicated concepts as simple as possible for both clients and the Court. He is also clear in terms of his conclusions and does not tend to 'fence sit,' which is a quality that is highly regarded by our clients. His advocacy is clear and to the point, again with an admirable ability to make coherent arguments out of the most complicated issues." *Legal 500 UK Bar Guide 2027 (Property Litigation)*

"Mark is a real heavyweight to have in your corner." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"He has an exceptional ability at cutting through complex and technical issues and articulating them in his submissions in a persuasive and succinct manner." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Mark is brilliant at explaining complex issues in a clear way." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Mark Sefton KC is a skilled advocate whose practice concentrates on commercial and residential landlord and tenant disputes, including high-value dilapidations cases. He excels in complex issues of valuation." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Mark is an exceptionally good technical barrister who is absolutely brilliant getting on top of conceptual points he comes up against." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Mark is switched on, bright, personable and a really nice guy overall." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Mark is a great communicator who is very good with clients due to his user-friendliness." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Mark is a great trial barrister who is very good at advocacy, including cross-examination." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"A KC with excellent tactical nous." *Legal 500 UK Bar Guide 2025*

"Excellent on valuation-related work. Has significant experience of complex valuation matters." *Legal 500 UK Bar Guide 2025*

"Mark Sefton is a very effective advocate."

"Mark is commercially astute and great with clients and managing risk factors. One of the genuine leaders in his field."

"My first choice on any matters of interpretation."

"He has a clarity of thought that comes across in everything that he does, especially in his written work." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

‘Mark has excellent analytical skills and is able to assimilate and digest complex facts very quickly and then to apply the law to them. He is clear, concise and consistent in his advice.’ *Legal 500 UK Bar Guide 2024*

"Mark is very impressive, has a good client manner, and is very bright and smart." *Chambers and Partners UK Guide 2023*

"His knowledge is excellent, and he's really great on calls with clients; he really instils confidence in them and the case as a whole." *Chambers and Partners UK Guide 2023*

"Mark Sefton is a go-to counsel for complex cases. He is able to cut through the issues and turn challenging cases into a winning position." *Chambers and Partners UK Guide 2023*

‘Mark is able to get to the crux of an issue quickly, condensing complex legal arguments down to the key points and ignoring the extraneous points. His written analysis, including his skeleton arguments, are focused and persuasive and ultimately well received by judges.' *Legal 500 UK Bar Guide 2023*

Mark Sefton QC is a skilled advocate whose practice concentrates on commercial and residential landlord and tenant disputes, including high-value dilapidations cases. He excels in complex issues of valuation. "He has a remarkable gift for predicting what judges will say and do." "He is truly a marvel. The speed with which he digests complex information and distils it into a detailed analysis is second to none." *Chambers and Partners UK Guide 2022 (Real Estate Litigation)*

‘ Mark has a depth of knowledge and a clarity of thought which is outstanding and makes him my first choice barrister for many of the knotty property issues that come across my path. He is especially good on issues of interpretation and his grasp of property valuations and their methodology is second to none. ’ *Legal 500 UK Bar Guide 2022*

A skilled advocate whose practice concentrates on property-related insolvency, as well as commercial and

residential landlord and tenant disputes. He excels in complex issues of valuation. Strengths: "He's a great combination of incredibly bright and fantastically good on the technical side as well as being great at the client facing in conferences." "Mark is outstandingly clever and considered and a tenacious fighter when he needs to be." "He really thinks laterally about things." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

"He is a very helpful, notable QC." *Legal 500 UK Bar Guide 2021*

A skilled advocate whose practice concentrates on property-related insolvency, as well as commercial and residential landlord and tenant disputes. He excels in complex issues of valuation. Strengths: "He is practical and commercial and has a very good rapport with clients." "Really responsive and completely on it. He will always give a really realistic timeframe and stick to it." "A very good trial advocate and one of the best in valuation work." *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"Highly rated for both commercial and residential landlord and tenant matters." *Legal 500 UK Bar Guide 2020*

Mark Sefton QC is a key name in the field of real estate law who is well known for his adept handling of insolvency-related property issues, as well as landlord and tenant matters. *Who's Who Legal UK Bar 2019 Guide*

"A skilled advocate whose practice concentrates on property-related insolvency, as well as commercial and residential landlord and tenant disputes. He excels in complex issues of valuation. Strengths: 'His advice is always down-to-earth, sensibly reasoned and practical.' 'A barrister of quality and intellect.' 'He has excellent judgement.' Recent work: Acted for the successful claimant in Minerva v Greenland Ram, a three-week trial in the Chancery Division concerning overage on the Ram Brewery development site in Wandsworth." *Chambers UK Guide 2019 (Real Estate Litigation)*

"He provides excellent advice in a thoroughly understandable and practical way." *Legal 500 UK Bar Guide 2018 (Property Litigation)*