



Philip Sissons Called 2005

Practice Summary

Philip has a varied practice which covers all areas of property litigation, including both commercial and residential landlord and tenant matters and real property disputes.

He has a particular interest in development disputes, with extensive recent experience of related issues including rights to light, restrictive covenants, easements and the interpretation of conditional agreements for sale/options.

Philip is also experienced in property cases with an insolvency angle, having acted in major litigation arising out of the administration of Lehman Brothers. He regularly advises on and appears in cases involving administration and CVAs as well as matters concerning the property law consequences of insolvency (including bona vacantia, escheat and vesting orders).

- Education
 - 2000 - 2003, St Catherine's College, Oxford - B.A. Jurisprudence (1st class)
 - 2003 - 2004, St Catherine's College, Oxford - B.C.L.
- Professional
 - 2004 - 2005, Inns of Court School of Law, Bar Vocational Course (Very Competent)
 - Called, Inner Temple 2005 - BVC Major Scholarship.
- Recent Cases
 - **Adjoin Ltd v Fortytwo House Sarl, High Court (trial listed May 2023)** (with Jonathan Karas KC) acting for the claimant in ongoing proceedings to restrain a development due to an infringement of a right to light. Philip also appeared for the claimant in the interim application for a stay on the basis of an alleged conflict of interest/breach of confidentiality on the part of the defendant's solicitors which was heard on 17.10.22; *Adjoin Ltd v Fortytwo House Sarl* [2022] EWHC 2710 Ch
 - **Sirosa v Prudential Assurance, High Court, 2022** – (with Guy Fetherstonhaugh KC) acting for the owner of 120 Oxford Street in a claim for an injunction to restrain the development of an adjoining property, on the basis of an infringement of a right to light. The case settled on the first day of the trial.
 - **Father's Field Developments Ltd v Namulas Pension Trustees Ltd [2021]**
UKUT (Lands Tribunal) – Successful application for discharge of restrictive covenant pursuant to s. 84 (1) of the Law of Property Act; ability to extract a ransom not a practical benefit to objector. Costs in favour of the applicant on basis of objector's unreasonable conduct
 - **Omya UK Ltd v Andrews Excavations Ltd [2021] 8 WLUK 111** – circumstances in which it is appropriate to permit party to increase their cost budget; unexpected volume of third-party disclosure was a significant development justifying increase.
 - **Smoke Club Ltd (In Administration v Network Rail Infrastructure Ltd [2021] UKUT 78** (Lands Tribunal – acting for Network Rail in relation to claim for compensation for compulsory acquisition of night club premises as part of Thameslink Project; claim for long lease by virtue of proprietary estoppel unsuccessful; occupation and payment of rent gave rise to annual periodic tenancy, not tenancy at will.
 - **Criterion Buildings Ltd v McKinsey [2021] 2 P& CR DG4** (with Stephen Jourdan Q.C.) – commercial service charges; fairness of landlord's apportionment of costs, operation of reserve/sinking fund.



- **Caledonian Management Services Ltd v Clivedale Properties Ltd [2020] EWHC 2974 (Comm)** – whether purchaser of new build flat was entitled to rescind contract for sale on basis of non-compliance with conditions prior to long-stop date; conclusiveness of certificate of compliance with building regulations.
- **Stanning v Baldwin [2019] EWHC 1350 (Ch)**
 - Entitlement to rely on easement by prescription (over a common) to access new development, establishing prescriptive easement of drainage, correct approach to position of boundary.
- **Solid Rock Investments (UK) Ltd v Reddy and others [2016] EWHC 3043**, Henry Carr J - claim to recover a deposit paid upon entering a contract for sale of development property pursuant to s. 49 (2) of the Law of Property Act 1925.
- **Loose v Lynn Shellfish Ltd & Ors, [2016] 2 W.L.R. 1126**, Supreme Court (with Guy Fetherstonhaugh Q.C. and Charles Harpum) - important case concerning the seaward extent of a private fishery and the proper approach to the construction of a presumed grant established by virtue of prescription; the impact of a grant of a movable boundary and the law of accretion on the extent of fisheries and other proprietary rights in coastal waters.
- **Christopher Moran Holdings Limited v Carrarra-Cagni [2016] UKUT 152**
 - obligation of residential tenants to contribute to cost of repairs to later additions to building.
- **Sainsbury's Supermarkets Limited v Bristol Rovers (188) Limited [2016] 1 P. & C.R. 6 (High Court) [2016] EWCA Civ 160** (Court of Appeal) (with Mark Wonnacott Q.C.) - conditional agreement for the sale and purchase of Bristol Rovers' football stadium, the Memorial Ground; entitlement of Sainsbury's to terminate based on no compliance with conditions.
- **Page v Convoy Investments Ltd [2015] EWCA Civ 1061 (Court of Appeal)** – scope of right of way in favour of agricultural land; did gates amount to substantial interference?
- **Quadracolor Ltd v Crown Estate Commissioners [2013] EWHC 4842**
 - escheat of freehold interest
 - to the Crown. Grant of a vesting order in favour of the Claimant pursuant to s. 181 of the Law of Property Act 1925.
- Publications
 - **Money back guarantee?** Costs recovery under long residential leases and costs orders in the First Tier Tribunal. Part1: New Law Journal. 2016, 166(7718), 13-15, Part 2 New Law Journal 2016, 166 (7719), 13
 - **Forfeiture revisited: Magnic, Safin and Freifeld** The Conveyancer and Property Lawyer. 2016, 4, 317-326
 - **The final curtain?** McDonald v McDonald, Landlord and Tenant and Human Rights; New Law Journal 164 (7621), 11-12
 - **Is talk cheap? After Daejan Investments Ltd v Benson can landlords buy themselves out of consulting with tenants under s.20 of the Landlord and Tenant Act 1985 and what should be the price of doing so?** Conveyancer and Property Lawyer Conv. (2014) No.2 Pages 156-164
 - **The right to manage and appurtenant property: Gala Unity Ltd v Ariadne Road RTM Co Ltd**, Conveyancer and Property Lawyer Conv. (2013) No.5 Pages 447-454
 - **Putting on the breaks; the effect of the decision in Marks & Spencer Plc v BNP Paribas Securities Services Trust Co (Jersey) Ltd**, New Law Journal N.L.J. (2013) Vol.163 No.7571 Pages 15-17
 - **Commercial and Residential Service Charges, Butterworths, 2013**; Co-author
 - **Woodfall: Landlord and Tenant Bulletin**, Contributing Editor.

Published Comments

"Philip is technically excellent with extensive experience and expertise in rights of light matters in particular."

"He is responsive, thoughtful and a joy to work with."

"A cool head, approachable and knowledgeable." *Chambers and Partners UK Bar Guide 2024*

'Philip is technically excellent with extensive experience and expertise in rights to light matters in particular.' *Legal 500 2024*



"Philip is bright and phenomenally considered in his approach, responsive and incredibly helpful." *Chambers and Partners UK Guide 2023*

Philip Sissons handles a range of real estate litigation matters including landlord and tenant issues. He is widely recognised for his formidable expertise in the High Court, County Courts and the Court of Appeal. "He is thorough, dedicated and user-friendly." "He is adept at problem solving and is practical and provides sensible advice focused on getting issues resolved pragmatically." "He manages expectations well." *Chambers and Partners UK Guide 2022 (Real Estate Litigation)*

Handles a range of real estate litigation matters including landlord and tenant issues, and is widely recognised for his formidable expertise in the High Court, county courts and the Court of Appeal. Strengths: "Thorough, dedicated and very user-friendly." "An excellent advocate." "Very approachable and bright." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

"An expert in both commercial and residential landlord and tenant disputes." *Legal 500 2021*

Handles a range of real estate litigation matters including landlord and tenant issues, and is widely recognised for his formidable expertise in the High Court, county courts and the Court of Appeal. Strengths: "Extremely bright and his written advice is clear and user-friendly." "Excellent with clients, thorough and commercial." "Great written advice and superb advocacy." Recent work: Acted for a landlord in proceedings concerning the forfeiture of a lease on the basis that the tenant entered into a CVA. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"The advice he provides is clear and well considered." *Legal 500 2020*