Falcon Chambers

# 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 in particular **rights to light**, **restrictive covenants** (including applications for modification/discharge), **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, liquidation and CVAs/re-structuring plans.

Another area of expertise is **bona vacantia and escheat**, particularly arising from the dissolution of overseas companies which owned land in England and Wales.  Philip has appeared in numerous applications for vesting orders and regularly advises on this relatively obscure but increasingly important area of law.  Along with other members of chambers, he is a co-author of a forthcoming book (publication anticipated in late 2026), the first to deal specifically with this particular area of law in over 50 years.

## 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.

## Notable Cases

- **Whitburn Estates Ltd v Thirteen Homes Ltd** [2026] EWHC 1256 (Ch), Leech J - Acting for the successful claimant in a dispute concerning the retention of a deposit paid by the defendant under a conditional contract for sale of a development site. The case concerned whether the contract had been validly terminated by the defendant and involved issues around implied terms, affirmation/waiver and whether time was of the essence for the performance of contractual obligations.
- **Todd v Marsh** [2026] EWHC 1701 (Ch), Michael Green J - Acting for the Respondent to an appeal against a determination at trial (in which Philip also appeared) as to the position of a boundary. The judgment includes important clarification of the principles concerning alleged boundary agreements.
- **PDSA v Ryan and others**, HHJ Truman, Birmingham County Court, May 2026 – Acting for the claimant veterinary charity in a successful claim for damages for breach of contract arising out of the development of a new pet hospital.
- **Eden v HRH Prince Fahad Bin Sultan Al Saud** [2025] EWHC 3421 (Ch), Marcus Smith J - Philip, with Stephanie Tozer KC, acted for LPA Receivers in successfully resisting an interim injunction application by which the UBO of the borrower sought to recover possession of a valuable residential property. Philip also represented the receivers (as sole counsel) at the expedited trial of the possession claim in February 2026 at which Mr Justice Trower refused an application for an adjournment and made a final possession order.
- **Adjoin Ltd v Fortytwo House Sarl**, High Court, 2023 (with Jonathan Seitler KC) - Acting for the claimant in proceedings to restrain a development due to an infringement of a right to light. Philip also appeared for the claimant, without a leader, in an interim application for a stay on the basis of an alleged conflict of interest/breach of confidentiality; 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.

- **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 a first-rate all-rounder who is very bright, diligent and very well liked by clients for his personable manner and hard work. He is also an excellent advocate." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Philip is an excellent barrister. He is professional, proactive, responsive to queries and easy to deal with." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Philip is very calm and methodical, honest about flaws and good where issues get personal and depart from commercial reality. He helps cool tempers and refocus parties, and encourages people to view the big picture." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Philip is a first-class all-rounder and is my go-to barrister for property-related cases." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Phil is exceptional on every level of written opinions and advocacy." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*
"Philip is always thinking about the bigger picture and the overarching strategy. He is commercially aware and

doesn’t give advice without thinking about its application." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Phil has a cool head and is very pragmatic. This is supported by his excellent technical ability." *Legal 500 UK Bar Guide 2026*

"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." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Phil provides an excellent service and contributes to Falcon Chambers' fine reputation." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Phil Sissons is excellent in all respects. He has a particular interest in right to light claims, and his understanding of the technical and complex aspects of those claims is invaluable." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Phil is technically strong and is user-friendly." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Philip is technically excellent. He is pragmatic in his advice and always happy to answer any queries that arise in cases he's dealing with." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Philip provides good, clear, carefully considered advice." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"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*