Falcon Chambers

# Stephen Jourdan KC

**Called 1989 Silk 2009**



## Practice Summary

Stephen has a wide-ranging practice covering all aspects of property litigation, including insolvency, professional negligence and partnership disputes. He has considerable experience of leading in heavy cases turning on valuation issues or difficult questions of law. He has appeared 8 times in the Supreme Court/House of Lords/Privy Council, on appeals raising issues including human rights, restrictive covenants, service charges, the Landlord and Tenant Act 1995, enfranchisement, adverse possession, unregistered title and fixtures. He has appeared numerous times in the Court of Appeal.

His experience includes:

- Business tenancy renewals
- Cases about the use of land – rights of way, rights to light, rights in respect of watercourses and flooding, sporting rights, rights of support, rights in respect of pipes and cables and the supply of water, gas
- Commercial and residential service charge disputes and issues relating to the right to manage
- Development agreements, including options, conditional sale agreements, collaboration agreements, overage clauses and promotion agreements and valuation disputes arising under such agreements
- Dilapidations claims
- Disputes about title to registered and unregistered land, including adverse possession and boundary disputes
- Enfranchisement
- Escheat and bona vacantia
- Human rights issues in relation to property particularly in relation to article 8 and A1P1
- Issues in relation to agricultural land of all kinds, including succession claims, notice to quit issues, grazing rights claims, rent reviews, animal health and pollution disputes and claims to compensation for improvements
- Land registration disputes including boundary determinations, issues about notices and restrictions, and rectification and indemnity claims
- Landlord and Tenant Act 1987 disputes in relation to the right of first refusal, the appointment of a manager and variation of leases
- Misrepresentation and fraud claims
- Nuisance claims including noise, smell, pollution and flooding
- Obtaining and resisting injunctions including freezing orders

- Partnership disputes
- Party wall disputes
- Privy Council appeals from Commonwealth jurisdictions
- Problems arising following the assignment of leases including guarantee, contribution and indemnity claims and the operation of the Landlord and Tenant (Covenants) Act 1995
- Professional negligence claims against solicitors and valuers, both for claimants and defendants
- Property receivership issues
- Property related insolvency disputes including in relation to CVAs, IVAs and restructuring plans, bankruptcy and winding up
- Property-related banking, loan and mortgage disputes, including the interpretation and enforcement of facility and loan agreements and inter-creditor agreements, legal and equitable charges, and issues relating to clogs on the equity of redemption, marshalling and exoneration
- Property-related problems created by the imposition of sanctions
- Proprietary estoppel and constructive trust claims and co-ownership and claims under the Inheritance (Provision for Family and Dependents) Act 1975
- Rent reviews
- Restrictive covenants including enforceability, interpretation and s.84 applications
- Rivers, ports, harbours, mooring rights and the foreshore
- The Competition Act 1998, the Consumer Rights Act 2015 and the Unfair Terms in Consumer Contract Regulations 1999 in relation to property issues
- The Electronic Communications Code
- The ownership and extraction of minerals and the restoration of quarries
- The termination of leases including forfeiture, break clauses, disclaimer, frustration, rescission, notice to quit and surrender and merger

**Joint Head of Falcon Chambers**

## Education

- Trinity College, Cambridge (1981-4): Entrance and Senior Scholar; MA (Cantab.) in law (1st)

## Professional

- Deputy High Court Judge
- Recorder (Civil)
- Judge of the Property Chamber of the First Tier Tribunal (formerly Deputy Adjudicator to HM Land Registry)
- Joined Falcon Chambers (then 11 King's Bench Walk) in 1990
- 1985 - 1989: Solicitor at Theodore Goddard, working in property litigation and commercial property

## Recent Cases

- **Great Jackson v Manchester CC** [2025] EWCA Civ 652 (Court of Appeal). S.84 application relating to the erection of two tower blocks in Manchester.
- **Malik v Malik** [2024] EWCA Civ 1323 (Court of Appeal). Whether statement made to the court at a hearing in one claim precluded a different position being taken in a later claim.
- **Cobden v Cobden** [2024] EWHC 1581 (High Court). Partnership winding up dispute - Syers order made.
- **Patel v Spende**r [2024] UKUT 62 (LC) (Upper Tribunal). S.84 Law of Property Act 1925 application to modify covenants to allow the construction of kitchen extensions and loft conversions on estate where building scheme covenant preventing external alterations.
- **Old Street Retail Trustee (Jersey) v Argos** ( Case settled after trial) (High Court). Covenant in commercial lease to use premises only for such non-food retail use within Class A1 of Use Classes Order as landlord shall approve - whether tenant permitted to sell goods both to visiting customers and those who order online for delivery elsewhere.
- **Spencer v Spencer** [2023] EWHC 2050 (Ch) (High Court). In a farming proprietary estoppel claim, substantial non-financial detriment cannot be offset by substantial financial advantage.
- **BMW (UK) v K Group Holdings** (28.7.2023, County Court at Central London, HHJ Monty KC). In a 1954 Act claim, where the tenant holds a unit under several leases, the reality principle requires that each be valued on the assumption that the real tenant would be in the market for each unit to be valued. No landlord's break clause where landlord's intention to use the premises for own business is sketchy and has not matured into a genuine and workable decision**.**
- **Waters v Stott** REF/2021/0470 (Land Registration Division of the FTT). Possessory title is transferred by a ceding of possession.
- **Malik v Malik [2023] EWHC 59 (Ch) (High Court).** A squatter in a leasehold flat who asks the owner to pay the rent nonetheless has the intention to possess.
- **Old Street Retail Trustee (Jersey) v GB Healthcare** (18.11.2022, County Court at Central London, HHJ Richard Roberts). Food store lettings were reliable comparables for a smaller non-food store unit. Comparables should be adjusted to find the rent that would have been payable if no rent free period of any kind had been allowed.
- **OG Thomas Amaethyddiaeth v Turner** [2022] EWCA Civ 1446 (Court of Appeal)**.** A landlord served a notice to quit on the current tenant, but addressed the notice to the former tenant. This was because there had been an assignment of the tenancy of which the landlord was not aware. The Court of Appeal held that the notice could not be interpreted as addressed to the current tenant, and was void.
- **Oceanfill v Nuffield Health Wellbeing** [2022] EWHC 2178 (Ch) (Master). A restructuring plan under part 26A Companies Act 2006, which released the current tenant from liability to pay the rent, did not release a previous tenant under an AGA
- **Cadogan Holdings v Alberti** [2022] 4 WLR 59 (Court of Appeal). A direction to deduct any increase in value due to improvements applied where the increase was due to changes in planning policies.
- **Criterion Buildings v McKinsey & Co Inc** [2021] EWHC 216 (Ch) (High Court). A landlord had power to determine the "due proportion" of service charge costs under a commercial lease provided it acted rationally. No details need be provided of how sinking fund contributions were calculated.
- **Alexander Devine Children's Cancer Trust v Housing Solutions [2020] 1 W.L.R. 4783 (Supreme Court)**. The Upper Tribunal should have refused to modify a restrictive covenant because of the applicant's cyncial breach.
- **Vodafone Ltd v Hanover Capital Ltd [2020] R.V.R. 326** (Deputy President of Upper Tribunal sitting as a County Court Judge). A structured approach should be adopted to determining the rent to be paid under a new tenancy of a telecommunications mast under s.34 of the 1954 Act.
- **Earl of Plymouth v Rees [2020] 4 W.L.R. 105 (Court of Appeal)**. The derogation from grant principle militated against an interpretation of a landlord's right of entry which would result in a

substantial interference with the tenant's enjoyment of the property. It did not require the court to give the right the narrowest possible interpretation.

- **Aldford House Freehold Ltd v Grosvenor [2019] EWCA Civ 1848 (Court of Appeal).** A separate set of premises were not a “flat” unless at some point someone could have lived in them. A Bahamas company had authorised the signature of a notice.
- **Regent Wealth Ltd v Wiggins [2019] UKUT 310 (LC) (Upper Tribunal).** There was no mistake in the drafting of a licence to underlet.
- **York House (Chelsea) Ltd v Thompson [2019] EWHC 2203 (Ch) (High Court).** Leases granted by a husband and wife to a wife for no premium at a peppercorn rent were disposals by way of gift to a member of the landlord’s family, and also a transfer by two or more persons who are members of the same family to fewer of their number, and so excluded disposals under s.4(2) of the Landlord and Tenant Act 1987. Certain parts of the building were not “common parts”.
- **Earl of Plymouth v Rees [2019] 4 WLR 74 (High Court)** - A right for landlords to enter at “all reasonable times for all reasonable purposes” did not entitle them to dig boreholes or trial pits but did entitle them to leave remote bat detectors on the land as a form of extended inspection. No injunction should be granted absent a strong probability of infringement. **See above for the Court of Appeal’s decision.**
- **Morris and Perry (Gurney Slade Quarries) Ltd v Hawkins [2019] 6 WLUK 202 (County Court)**. A reservation of minerals with “right of entry and all necessary ancillary rights in connection with winning and working the same” entitled the owner of the minerals to plant trees on the surface and let them grow to provide a screen, if that was reasonably necessary to obtain planning permission to extract the minerals.
- **Bannerman Town etc. Association v Eleuthera Properties [2018] UKPC 27 (Privy Council).** A developer did not have good documentary title to 2,000 acres of land, nor had it acquired title by adverse possession by erecting signs and clearing the boundaries.
- **Office Depot International v UBS Asset Management [2018] EWHC 1494 (TCC) (High Court).** It was not open to the tenant to seek a declaration against its landlord as to what work was needed to comply with its covenant to repair the roof of a warehouse.
- **Crown Estate Commissioners v Whitehall Court London [2019] 1 WLR 2319 (Court of Appeal).** The “no-Act rights” assumption in Sch 13 para 3 applies to the building and not just the flat. The headlease required all money received by the headlessee from underlessees to be shared with the freeholder, even if the transaction was not permitted under the headlease.
- **Mundy v Sloane Stanley [2018] 1 WLR 4751 (Court of Appeal)**. Sales of leases of flats with 1993 Act rights may be taken into account in determining the value of a lease of a flat without Act rights. Therefore the tenant’s challenge to the Upper Tribunal’s decision to reject the Parthenia model of relativity failed.
- **Starham v Greene King** (2 November 2017, unreported) Central London Chancery List. A right to use land granted in 1855 was neither an easement nor a restrictive covenant but a licence, and therefore did not bind a successor in title to the grantor.
- **Persimmon v Ashfield Provincial Properties (10 October 2017, unreported) High Court**. It would be wrong to grant summary judgment declaring that a development agreement remained in effect when documents might be disclosed as to the factual background relevant to the interpretation of the agreement. There were also factual issues relating to causation and whether time had been made of the essence which could not be determined summarily.
- **Kingsbridge Pension Fund Trust v Downs [2017] L&TR 31 (Upper Tribunal).** On a s.50 Agricultural Holdings Act 1986 succession application, the livelihood condition only needs to be satisfied for the 7 years up to the date of the retirement notice, and not also the 7 years up to the hearing.
- **Artist Court Collective Ltd v Khan [2017] Ch 53 (High Court).** A disposal by a trustee to a beneficiary was not a “relevant disposal” under the Landlord and Tenant Act 1987.
- **McDonald v McDonald [2017] AC 273 (Supreme Court).** The Human Rights Act 1998 does not provide a defence to a claim to possession by a private landlord under an assured shorthold tenancy.

- **Gladman Developments v Sutton [2016] EWHC 1597 (Ch) (High Court)** No oral agreement had been entered into for the promotion of land for development.
- **Sloane Stanley v Mundy [2016] L&TR 32 (Upper Tribunal).** An analysis of pre-1993 sales using hedonic regression was not a reliable method for ascertaining the relative value of leases in the present market.
- **Ham v Bell [2016] EWHC 1791 (Ch) (High Court).** A farm was not an asset of a family farming partnership, despite having been treated in the accounts as such.
- **Dickinson v UK Acorn Finance [2016] HLR 17 (Court of Appeal).** It was an abuse of process for mortgagors to seek to rely on the unenforceability of a secured loan under the Financial Services and Markets Act 2000 s.26 two years after a possession order had been granted.
- **Jewelcraft Ltd v Pressland [2016] 1 P & CR 9 (Court of Appeal).** A purpose-built shop with a flat over was a “house” for the purposes of the Leasehold Reform Act 1967.
- **Royal Mail Estates v Maples Teesdale [2015] EWHC 1890 (Ch) (High Court).** S.36C(1) of the Companies Act 1985 makes a person who signs a contract in the name of a company not yet formed liable on the contract, even if the contract says that it is personal to the company. Under appeal to the Court of Appeal.
- **Safin (Fursecroft) v Badrig [2015] EWCA Civ 739 (Court of Appeal).** The power of the Court to extend time in consent orders where the parties had agreed that time was of the essence.
- **Woodhouse v Besent [2015] 3WY00170 (HHJ Hughes QC, Winchester CC).** The landlord of a large dairy farm was not estopped from denying that there were succession rights.
- **Thomas v Albutt [2015] EWHC 2187 (Ch) (High Court).** Negligence claim against a barrister who acted in a planning judicial review claim.

## Publications

- Consultant Editor for the title "Boundaries" in vol 4 of Halsbury's Laws 5th ed (2011)
- "Adverse Possession" 2nd ed. (2011)

## Awards

- Winner, Real Estate Silk of the Year, Chambers UK Bar Awards 2021
- Winner, Barrister of the Year Award ERMAs 2013
- Nominated for the Chambers Real Estate Silk of the Year Award 2012.

## Published Comments

"I consider Stephen the single-most able property counsel in practice. His paperwork is extraordinary; he sees things that others do not, and his advocacy is outstanding." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Stephen Jourdan is an absolute first-rate lawyer. He is my go-to, especially for large, valuable cases." *Chambers and Partners UK Bar Guide 2027 (Agriculture & Rural Affairs)*

"Stephen is an excellent advocate and a complete expert in enfranchisement law. He has a wealth of knowledge

of both the history of property law and the latest updates." *Chambers and Partners UK Bar Guide 2027 (Real Estate Litigation)*

"Calm, clear, and measured both in advocacy and in conference. 'Unflappable' is the word I would use. A very impressive advocate, with a powerful presence in the courtroom." *Legal 500 UK Bar Guide 2027*

"Jourdan is at the top of his game. He has an astonishing grasp of detail, even in the most complex cases and is great to work with." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Stephen cuts through the most complex issues like butter. He is the barrister I would least like to be cross-examined by!" *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Stephen is a genius." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"He has continued to secure his reputation as the most able barrister practising in property disputes, including in the agricultural sector. The quality of his written submissions is unsurpassed." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"He carries judges with his measured advocacy which is firm and authoritative, and always brings the court back to the essential points." *Chambers and Partners UK Bar Guide 2026 (Real Estate Litigation)*

"Stephen is extremely technical and has been very helpful with managing the client." *Chambers and Partners UK Bar Guide 2026 (Agriculture & Rural Affairs)*

"Stephen covers every possible argument and counter-argument, and commands the respect of the judges. He ensures that he knows every detail of the case and the bundle inside and out. He has a phenomenal intellect." *Legal 500 UK Bar Guide 2026*

"Stephen is one of the best advocates. He is calm and softly spoken, but fluid and persuasive, with a creative flair." *Legal 500 UK Bar Guide 2026*

"Stephen Jourdan KC has an extremely broad property practice dealing with commercial and residential matters, and handles property-related insolvency, partnership and professional negligence claims. He is also lauded for his deep knowledge of enfranchisement matters." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephen is a go-to person for adverse possession claims. His level of expertise and knowledge in this area is incredible." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephen has good understanding of issues, a strong ability to cross-examine and great intellect." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephen has a quiet, understated manner but is very authoritative. He is also technically brilliant and has the respect of the judges." *Chambers and Partners UK Bar Guide 2025 (Real Estate Litigation)*

"Stephen Jourdan KC is a well-known agricultural law specialist. He regularly represents family farming partnerships and their individual members. He routinely handles high-stakes landlord and tenant disputes, partnership disputes and proprietary estoppel claims." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Stephen is simply a walking brain. Watching him joust with a High Court judge on case law is truly an impressive sight." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Stephen is the go-to person for adverse possession claims. His level of expertise and knowledge in this area is unrivalled." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"Stephen made a material difference to the case through his understanding of the issues, ability to cross-examine and great intellect." *Chambers and Partners UK Bar Guide 2025 (Agriculture & Rural Affairs)*

"A silk with an astonishing work ethic." *Legal 500 UK Bar Guide 2025*

"An astonishing work ethic and excellent in court." *Legal 500 UK Bar Guide 2025*

"Stephen Jourdan is the best; he is thorough and calm and knowledgeable." *Chambers and Partners UK Bar Guide 2024 (Agriculture and Rural Affairs)*

"Stephen Jourdan is brilliant at what he does and excellent to the last detail." *Chambers and Partners UK Bar Guide 2024 (Agriculture and Rural Affairs)*

"The best - great with clients, knowledgeable, brilliant in giving advice and cutting through problems." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"Stephen is one of a handful of KCs that you turn to for complex litigation or where you want a name to send fear into an opponent. His advocacy is very smooth and measured and he has judges eating out of the palm of his hand." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

"His paperwork is extraordinary. He sees things that other do not and his advocacy is outstanding." *Chambers and Partners UK Bar Guide 2024 (Real Estate Litigation)*

'He has no weaknesses. He is universally respected and liked throughout the profession. You know with Stephen that you are always going to get the right answer.' *Legal 500 2024 (Property Litigation)*

'Stephen is quite simply brilliant. He is great with clients, hugely knowledgeable, thorough and cuts through complex matters like a knife cuts through butter.' *Legal 500 2024 (Agriculture)*

"Stephen is the paragon of agricultural landlord and tenant work. Whenever a case demands the best in the business, Stephen is the one to go to. His skill is unparalleled." *Chambers and Partners UK Guide 2023*

'Stephen is simply the best. He is calm, thorough, enormously clever and brilliant with clients. He is able to cut through complicated facts, law and arguments with ease so as to focus on what matters. ' *Legal 500 2023*

'An exceptional silk with unmatched analytical abilities, Stephen is exceptional. He brings a unique clarity to matters which would otherwise be complex. He is one of the most committed barristers around and exceeds expectations on every case he works on. ' *Legal 500 2023*

Stephen Jourdan QC has an extremely broad property practice dealing with commercial and residential matters and handles property-related insolvency, partnership and professional negligence claims. He is also lauded for his deep knowledge of enfranchisement matters. Strengths: "One of the most sensible property barristers I have worked with." "A top-flight advocate, well known and respected in the higher courts." *Chambers and Partners UK Guide 2022 (Real Estate Litigation)*

Stephen Jourdan QC is a well-known agricultural law specialist who receives outstanding feedback from a range of market sources. He regularly represents family farming partnerships and their individual members. Jourdan routinely handles high-stakes landlord and tenant disputes. Strengths: "He is an all-rounder. He's incredibly easy to deal with, and he cuts though jargon and explains clients' issues in an understandable format. He is unrivalled in the courtroom." "Brilliant and effective." *Chambers and Partners Guide 2022 (Agriculture & Rural Affairs)*

"Stephen has an incisive legal mind which can unpick a complex issue ridiculously quickly. He has both an eye for detail (and is willing to get into it) and a feel for how the court is likely to decide a technical legal point. He is ruthless in cross-examination, especially of expert witnesses." *Legal 500 2022*
Stephen Jourdan QC is distinguished by his broad property practice which encompasses commercial and

residential matters. *Who's Who Legal UK Bar Report 2022*

Well-known agricultural law specialist who receives outstanding feedback from peers. He regularly represents family farming partnerships and their individual members, and also routinely handles landlord and tenant disputes. His recent experience primarily involves acting for rural clients in the context of arbitrations. Strengths:"He is one of the most analytical barristers and fantastically technical." "What's probably most impressive is his skill in the courtroom and how good he is on his feet." "He is excellent on the proprietary estoppel side. He has very good agricultural knowledge and he can really bring a very forensic approach to the case." *Chambers and Partners Guide 2021 (Agriculture & Rural Affairs)*

Has an extremely wide property and agricultural law practice and also handles property-related insolvency, partnership and professional negligence claims. He is also lauded for his deep knowledge of enfranchisement matters. Strengths: "What's most impressive is his skill in the courtroom. He is a genius of the law - there is very little, if anything, he doesn't know about when it comes to property law." "He has a very sharp intellect, is incredibly thorough and diligent and also very good to work with." "He's just brilliant on the technical side and brilliantly user-friendly and responsive." *Chambers and Partners UK Guide 2021 (Real Estate Litigation)*

"Nobody knows more than him in agriculture". *Legal 500 2021 (Agriculture)*

"A walking brain. Always full of novel and clever ideas and arguments to improve the client's position." *Legal 500 2021*

Has an extremely wide property and agricultural law practice and also handles property-related insolvency, partnership and professional negligence claims. He is also lauded for his deep knowledge of enfranchisement matters. Strengths: "His attention to detail is second to none, which makes him a fearsome opponent." "Has tactical nous and his advocacy is quite phenomenal." "He knows enfranchisement law back to front and is full of good technical arguments." Recent work: Acted for the Crown, as freeholder, in Whitehall Court London v Crown Estate Commissioners. He successfully resisted an appeal regarding value assumptions and the interpretation of the lease. *Chambers and Partners UK Guide 2020 (Real Estate Litigation)*

"An extremely nice and calm silk to work with and a very effective advocate." *Legal 500 2020*

Stephen has "excellent litigation instinct" says peers who note they have "great respect for Stephen" and command his impressive work on valuation issues. *Who's Who Legal UK Bar 2019 Guide*

"Has an extremely wide property and agricultural law practice and also handles property-related insolvency, partnership and professional negligence claims. He is also lauded for his deep knowledge of landlord and tenant matters. 'He knows everything, is very creative and has a terrifying command of the details.' 'He delivers excellent written work and is an extremely tenacious advocate.' 'His eye for detail is second to none.' 'Excellent, incisive and very user-friendly.' Recent work: Acted successfully for the claimant in a case concerning the interpretation and effect of a right to use land granted in 1855." *Chambers UK Guide 2019 (Real Estate Litigation)*

"Well-known agricultural law specialist who receives outstanding feedback from peers. He regularly represents family farming partnerships and their individual members, and also routinely handles landlord and tenant disputes. His recent experience primarily involves acting for rural clients in the context of arbitrations. Strengths: 'He's an advocate who garners a lot of respect from the court, and his submissions are all the more weighty as a result. He is particularly good because his knowledge goes beyond just pure property. He is also quite practical - he rolls up his sleeves and gets on with the job.' Recent work: Acted in Knightsbridge Pension Fund Trust v Downs, an agricultural holdings succession dispute which turned on a point of law as to whether the livelihood condition in Section 50(2)(a) of the Agricultural Holdings Act 1986 was satisfied." *Chambers UK Guide 2019 (Agriculture & Rural Affairs)*

"A massively clever senior counsel who is at the forefront of the property litigation Bar." *Legal 500 2018 (Property Litigation)*

"Exceptionally able and knowledgeable, approachable and user friendly." *Legal 500 2018 (Agriculture)*