

# Landmark Chambers

## Barrister CV

Timothy Morshead KC (Joint Head of Chambers)



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# Timothy Morshead KC (Joint Head of Chambers)

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Tim practices in real estate law across its full gamut.



## Expertise

Property, Rating and Valuation

## Contact Practice Managers

### Mark Ball

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## Practice Summary

Tim has appeared in many of the leading property cases, including interpretation of contracts as well as the valuation, rating, planning and public law issues which arise. He also has expertise in the fields of nuisance, professional negligence, compulsory purchase, highways, town and village greens and local government law. Tim has been nominated for the Real Estate Silk of the Year in the Chambers UK Awards 2024.

Tim's recent cases include ***Darwall v National Park Authority*** (camping on Dartmoor), ***Eso v Breen*** (protester injunctions) and ***Circus Apartments v Canary Riverside*** (single largest piece of litigation currently, or ever, underway in the LVT). His reported cases reflect the diversity of his practice and many will be familiar to practitioners across a broad range of fields: eg ***Cobbe v Yeoman's Row*** (proprietary estoppel), ***Chartbrook v Persimmon*** (contractual interpretation), ***Arnold v Britton*** (contractual interpretation), ***Peacock v Custins*** (easements), ***Regency Villas*** (easements), ***TfL v City of London*** (highways), ***Woolway (VO) v Mazars*** (rating).

Tim was featured by The Times as “Lawyer of the Week” for his work on protester injunctions in November 2022. For about two decades, he has consistently been ranked and described favourably in the directories.

As a junior barrister, Tim progressed through the Attorney-General’s panels of Treasury counsel culminating in the “A Panel”. This gave him privileged experience of advising in a variety of areas of law with land (usually) as the common thread – and also of appearing in Courts and Tribunals at all levels, at hearings, trials and appeals.

In silk, Tim’s work remains focused on the full gamut of real estate law, where he advises and appears in some of the most challenging and complex cases, often involving “crossover” issues where two or more disparate areas of law must be brought together. He has expertise in all aspects of conventional “Chancery”-type property law and landlord & tenant law, including its equitable aspects such as proprietary and other estoppels and constructive trusts, as well as rating law and valuation, rent review, land valuation, compulsory purchase and compensation law, planning law, the law of nuisance, tort law generally including the economic torts, highways law, local government law and public law - and professional negligence in these fields.

Tim provides advisory and advocacy services for private and commercial clients, central and local government bodies and other public bodies. Much of his work is highly sensitive.

### **Advocacy and Litigation Experience**

Tim is an experienced litigator with appearances in a variety of tribunals including the Supreme Court, House of Lords, the Privy Council, the Court of Appeal, the High Court (Chancery Division, King’s Bench Division, Technology and Construction Court, Commercial Court, Administrative Court), the County Court, the Lands Tribunal (now the Upper Tribunal, Lands Chamber), various Valuation Tribunals and Leasehold Valuation Tribunals and planning and other statutory and non-statutory inquiries. He is an experienced cross examiner of factual and technical/ expert evidence.

Tim also has experience of sitting as a non-statutory inquiry inspector, arbitrator and legal assessor. He is a qualified ADR group mediator.

### **Notable cases**

Over the past few years his main reported cases have been these:

#### **Supreme Court:**

- ***Southwark London Borough Council and City of London Corporation v. Transport for London*** [2018] 3 WLR 2059: real estate/ highways: Tim acted for TfL in this appeal concerning the meaning of the word “highway”: does it mean just the “top two spits” as had been thought and held below? Or can it include the whole interest in the land covered by the surface of the highway?
- ***Regency Villas Title Ltd v. Diamond Resorts (Europe) Ltd*** [2018] 3 WLR 1603: real estate/ easements: a case concerning the legal characteristics of an “easement”.
- ***Cardtronics Europe Ltd v. Sykes*** [2019] 1 WLR 2281: rating: whether ATMs situated in shops are liable to rates. Tim acts for HMRC and permission to appeal to the Supreme Court has been granted with a hearing due in March 2020.
- ***Iceland Foods Ltd v. Berry*** [2018] 1 WLR 1277: rating: a case concerning the interpretation of the Plant and Machinery Regulations in relation to Iceland’s air conditioning equipment.

- **Woolway (VO) v. Mazars LLP** [2015] AC 1862: rating: this case is the leading modern authority on the identification of the “hereditament” in rating.
- **Arnold v. Britton** [2015] AC 1619: contracts/ real estate: this case about a lease is a leading modern authority on the interpretation of contracts.

Older House of Lords cases:

- **Chartbrook Limited v. Persimmon Homes Limited** [2009] 1 AC 1101: contracts/ real estate: this case about an overage agreement is a leading modern authority on the interpretation of contracts.
- **Cobbe v. Yeoman’s Row Management Limited** [2008] 1 WLR 1752: real property/ equity: this was a case about proprietary estoppel.
- **Waters v. Welsh Development Agency** [2004] 1 WLR 1304: compulsory purchase: this case established the modern principles applicable to identifying “the scheme” for the purposes of applying the *Point Gourde* principle.

Court of Appeal:

- **Darwall v. Dartmoor NPA** [2023] EWCA Civ 927: camping on Dartmoor.
- **Darwall v. Dartmoor NPA** [2023] Ch 141: Camping on Dartmoor: first instance.
- **Breen v. Esso Petroleum Co Ltd** [2022] EWCA Civ 1405: injunctions / committal for breach / aggravating factors.
- **Point West GR Ltd v. Bassi** [2020] 1 WLR 4102: statutory interpretation / procedure.
- **Anixter Ltd v. Transport Secretary** [2020] 1 WLR 2547: statutory interpretation / compulsory purchase.
- **Cardtronics Europe Ltd v. Sykes** [2019] 1 WLR 2281: rating: see above.
- **Jones v. Owen** [2018] All ER(D) 65: real property: interpretation of covenant.
- **Dudley Muslim Association v. Dudley MBC** [2016] 1 P&CR 10: public law and real property: this case concerned the relationship between public law concepts and ordinary contract law.
- **Swift 1<sup>st</sup> Ltd v. Chief Land Registrar** [2015] Ch 602: real property: this case concerned the fraud/forgery provisions of the Land Registration Act 2002.
- **Beech v. Kennerley** [2012] 9 EG 150: real property: easements.
- **Rota Milton Keynes Council v. Secretary of State for Communities & Local Government** [2012] JPL 728: public law: this case concerned the law of legitimate expectations.

Older cases of importance in their fields:

- Real estate: **Silkstone v. Tatnall** [2012] 1 WLR 400, **Franks v. Bedward** [2012] 1 WLR 2428, **Batsford Estates (1983) Co Ltd v. Taylor** [2006] 2 P&CR 5, **Starmark Enterprises v. CPL Distribution Ltd** [2002] Ch 306.
- Rating: **Bradford (VO) v. Vtesse Networks Ltd** [2010] RA 69.
- Planning/ minerals: **Rota Bleaklow Industries Ltd v. SSCLG** [2009] 2 P&CR 21).

High Court:

- ***Esso Petroleum Co Ltd v. Breen*** [2023] EWHC 2013 (KB): protester injunctions / rights of protest / economic torts / unlawful means conspiracy / lawful means conspiracy.
- ***Quitain (Wembley Retail Park) Ltd v. Persons Unknown*** [2023] EWHC 1509: construction sites / tall buildings / cranes / injunctions.
- ***KBC Developments LLP v. Wavin Ltd*** [2023] EWHC 153 (Ch): contractual interpretation / highways / highways agreements / interpretation of planning permission.
- ***Pall Mall 3 Ltd v. Network Rail*** [2021] 2 P&CR 11: land vesting bona vacantia / easements.
- ***Rota Principled Offsite Logistics Ltd v. Trafford Council*** [2018] RA 499: rating: rates mitigation / empty rates.

### Upper Tribunal:

***Harding v. Secretary of State for Transport*** [2017] RA 271: compulsory purchase: whether the “hereditament” covered by the blight provisions included both elements of a property used for equestrian purposes even though separated by a road.

### Clients

Tim’s clients include major landholdings, large commercial organisations, supermarket operators and other retailers, branches of the central government, governmental and quasi-governmental agencies, banks, pension funds, charities, local authorities and statutory bodies, as well as private individuals and companies.

Tim was appointed to the Treasury A Panel until taking silk. He is an experienced trial and appellate advocate, including in the Supreme Court / House of Lords and Privy Council.

## Property

Most of Tim’s work concerns land and he has a substantial “classic” Chancery and property law practice including: proprietary estoppel, fraud and constructive trusts, mortgages, land registration, commercial landlord and tenant litigation and arbitration (including rent review, business tenancy renewals, insolvency issues and dilapidations), overage agreements, disputed contracts for the sale of land, interpretation and rectification of development agreements other documents, restrictive covenants (including applications to the Lands Tribunal to modify or discharge restrictive covenants to enable residential and commercial development to proceed), easements, nuisance, trespass, adverse possession and disputed wayleave agreements both for and against statutory undertakers.

Tim has advised and acted for a variety of clients in relation to HS2, Crossrail, the Olympic CPO, the Channel Tunnel Rail Link CPO, the Bedford Bypass CPO, the Clapham Bypass CPO and other highway schemes; and in relation to the compensation payable under such schemes.

He also has extensive experience of the law of highways and town and village greens, as well as planning law and other more-or-less public law related aspects of land law. He has appeared as counsel at inquiries and in statutory appeals/ judicial reviews of decisions in these fields. he has also sat as a village green inspector.

# Rating and Valuation

## Valuation

Tim's work often brings him into contact with valuation questions, and not only in relation to rent review and dilapidations cases. He has appeared frequently in the Lands Tribunal in valuation cases.

## Rates

Tim is one of the leading rating practitioners and has appeared frequently for HM Revenues & Customs as well as for ratepayers in a large number of the leading cases in this field.

# ADR

Tim is a qualified ADR Group Accredited Mediator.

# Qualifications

- Tim is a graduate of Pembroke College, Oxford.
- He studied law at the City University.

# Recommendations

"He is a very eminent practitioner and a genuine leader in rating law."

## **Rating and Valuation, Chambers and Partners, 2024**

"Tim is phenomenally clever. He is very quick and incisive and never wastes time or words." "Tim is a great advocate with the ear of the court. His advice is pragmatic and succinct and he thinks around all sorts of different angles to the case." "A trial advocate of the highest level."

## **Real Estate Litigation, Chambers and Partners, 2024**

"Timothy Morshead is phenomenally intelligent and a great advocate."

## **Agriculture and Rural Affairs, Chambers and Partners, 2024**

'Intellectually very able and quick; concise and to the point; a tenacious advocate who will roll up his sleeves for a fight; absolutely at the top of his game.'

**Property Litigation, Legal 500 2024**

"Tim is phenomenally clever. He is very quick and incisive and never wastes time or words."

**Property Litigation, Chambers & Partners 2024**

"He is a very eminent practitioner and a genuine leader in rating law."

**Rating & Valuation, Chambers & Partners**

"Tim is a great advocate with the ear of the court. His advice is pragmatic and succinct and he thinks around all sorts of different angles to the case."

**Property Litigation, Chambers & Partners 2024**

'Tim is excellent.'

**Local Government (including Rating Law), Legal 500 2024**

"A trial advocate of the highest level."

**Property Litigation, Chambers & Partners 2024**

"Intellectually very able and quick; concise and to the point; a tenacious advocate who will roll up his sleeves for a fight; absolutely at the top of his game."

**Property Litigation, Legal 500, 2024**

"Tim is excellent."

**Local Government (including Rating Law), Legal 500, 2024**

"Timothy is a regular choice for advising on and acting on highly complex issues. He produces incredibly sophisticated arguments." "He is really good at drilling down and making matters digestible, providing detailed and understandable analysis." "He provides exceptionally high-quality advice."

**Real Estate Litigation, Chambers and Partners, 2023**

"A tremendous senior silk and a regular choice for advising on and acting in highly complex issues. He produces incredibly sophisticated arguments."

**Rating and Valuation, Chambers and Partners, 2023**

"He is a formidable advocate. Tim has great all-round advocacy experience in property, planning and public law."

**Agriculture and Rural Affairs, Chambers and Partners, 2023**

"He is easy to work with, good with clients and a measured advocate." "He is renowned for his High Court ability and phenomenal record in the Supreme Court. His style of advocacy is perfect for persuading senior judges."

**Rating and Valuation, Chambers and Partners, 2022**

"His style of advocacy is perfect for persuading senior judges and he is able to deploy his deep knowledge of the law to make persuasive submissions."

**Agriculture and Rural Affairs, Chambers and Partners, 2022**

"He excels in the appellate court." "He is one of the absolute top barristers of the property litigation sector, renowned for his High Court ability and phenomenal record in the Supreme Court. His advocacy style is perfect for persuading senior judges. He is able to deploy his deep knowledge of the law to make persuasive submissions."

**Real Estate Litigation, Chambers and Partners, 2022**

"He is excellent."

**Local Government (including Rating Law), Legal 500, 2022**

"He is razor-sharp and a fantastically good appellant advocate." "He is very well respected and very able."

**Agriculture and Rural Affairs, Chambers and Partners, 2021**

"He's an accomplished cross-examiner and a destroyer of expert witnesses." "He's intelligent and quickly sees what the main points are in a case."

**Rating and Valuation, Chambers and Partners, 2021**

"Very thorough and gives sensible tactical advice on tricky legal situations." "Ferociously bright. His analysis of legal arguments is always several moves ahead of everyone else."

**Real Estate Litigation, Chambers and Partners, 2021**

"Top of the tree for complex legal issues and interlocking arguments."

**Property Litigation, Legal 500, 2021**

"He's an accomplished cross-examiner and a destroyer of expert witnesses." "He's intelligent and quickly sees what the main points are in a case."

**Rating and Valuation, Chambers and Partners, 2021**

"He is excellent."

**Local Government (including Rating Law), Legal 500, 2021**

"He knows the area back-to-front and is a very compelling advocate. He's also quite imaginative and very, very good at winning difficult cases." "He's an extremely good practitioner; in court he's very commanding and authoritative."

**Agriculture and Rural Affairs, Chambers and Partners, 2020**

"Tim is an exceptionally charming man, a very good advocate and a committed lawyer." "An excellent barrister."

**Local Government, Chambers and Partners, 2020**



"A huge intellect who is perfectly suited for highly complex and technical cases." "Impressive technical skill and advocacy." "He gives excellent and very convincing written advice"

#### **Real Estate Litigation, Chambers and Partners, 2020**

"An excellent advocate who really understands the subject matter." "He's extremely bright, picks up complex matters quickly and his advocacy is brilliant. He is terrier like in drilling down to the detail, especially in cross examinations."

#### **Chambers and Partners, 2018**

"A phenomenal barrister in whatever he does." "Perfectly suited to highly complex, technical cases." "Technically very able and produces excellent written work."

#### **Legal Directories**

## Cases and inquiries

05 07 21 Pall Mall 3 Limited v Network Rail [2021] EWHC 1835 (Ch)

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14 11 18 Regency Villas & Otrs v Diamond Resorts (Europe) Limited [2019] AC 553

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08 06 18 Bellow Properties Ltd v. Trinity College Cambridge

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08 06 18 R (Persimmon Homes (Thames Valley) Ltd) v. North Hertfordshire DC

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08 06 18 Woodridge Ltd v Downie

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08 06 18 Green v. Turner

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08 06 18 Frogmore Developments Ltd v Shirayama Shokusan

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07 06 18 Waters v. Welsh Development Agency

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07 06 18 R (Corus UK Ltd) v. Valuation Office Agency [2001] EWHC Admin 1108

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07 06 18 Newman (Inspector of Taxes) v. Hatt

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07 06 18 Bishopsgate Foundation v. Curtis

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07 06 18 R (MH) v SSH

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05 06 18	R (H) v Secretary of State for Health [2005] UKHL 60; [2006] 1 AC 441; [2005] 3 WLR 867
05 06 18	Kingston (Ethical Standards Officer) v. Livingstone (Mayor of London)
05 06 18	Chartbrook Ltd v. Persimmon Homes Ltd [2007] EWHC 409 (Ch); [2007] 1 All ER (Comm) 1083; [2007] 2 P&CR 9; [2007] 11 EG 160 (C.S.)
05 06 18	Beasley v. Munt [2006] EWCA Civ 370
05 06 18	Legends Surf Shops Plc (In Administrative Receivership) v Sun Life Assurance Society Plc
05 06 18	Yeoman's Row Management Ltd v Cobbe [2008] UKHL 55
04 06 18	Vtesse Networks Ltd v. Bradford [2006] EWCA Civ 1339; [2006] RA 427; [2006] 43 EG 179 (C.S.); (2006) 103(42) LSG 33; [2006] NPC 110
01 06 18	Capron v. Governor of Turks and Caicos Islands (Privy Council, [2010] UKPC 2)
01 06 18	Seymour Road (Southampton) Ltd v Williams & Ors [2010] EWHC 111 (Ch)
01 06 18	Cain, Re Waverley Lodge [2009] UKUT 212 (LC)
31 05 18	Selfridges Ltd v Humphries (Valuation Officer) [2009] UKUT 296 (LC); [2010] RA 260
31 05 18	Clarke & Anor v Corless & Anor [2010] EWCA Civ 338, [2010] WTLR 751
31 05 18	Diep v Land Registry [2010] EWHC 3315 (Admin)
31 05 18	Pick v Chief Land Registrar [2011] EWHC 206 (Ch)
31 05 18	Knights Construction (March) Limited v (1) Roberto Mac Limited (2) Chief Land Registrar [2011] EWLandRA 2009-1459
30 05 18	Hardman v British Gas Trading Ltd [2015] UKUT 53 (LC)
29 05 18	Dudley Muslim Association v Dudley Metropolitan Borough Council [2015] EWCA Civ 1123
29 05 18	Woolway v Mazars [2015] UKSC 53
29 05 18	Arnold v Britton & Ors [2015] UKSC 36

24 05 18	Iceland Foods Ltd v Jane A Berry [2016] EWCA Civ 1150
10 04 18	London Borough of Southwark v Transport for London [2015] EWHC 3448 (Ch)
04 08 17	Southwark LBC v Transport for London [2018] P.T.S.R. 333
18 02 15	London Borough of Southwark & City of London Corporation v Transport for London [2015] EWHC 383 (Ch)
13 06 14	Wheeler v Norfolk CC [2014] EWHC 2232 (Admin)
16 03 12	R (Midlands Co-Operative Society Ltd) v Birmingham City Council & Tesco Stores Ltd. [2012] Eu L.R. 640
27 05 10	Robert Hitchins Ltd v Secretary of State for Communities and Local Government & Anor [2010] EWHC 1157 (Admin)
28 01 10	Bradford (Valuation Officer) v Vtesse Networks Ltd [2010] EWCA Civ 16; [2010] RA 69
28 01 10	Bradford (VO) v Vtesse Networks Ltd [2010] EWCA Civ 16; [2010] RA 69.
27 01 10	Persimmon Homes (Midlands) Ltd & Ors v Secretary of State for Transport [2010] EWCA Civ 474; [2010] RVR 122 and [2009] UKUT 126; [2010] RVR 11
25 09 09	Allen (VO) v. English Sports Council [2009] UKUT 187 (LC); [2009] RA 289
18 03 09	Bleaklow Industries Ltd v. Secretary of State [2009] EWCA (Civ) 206; [2009] 2 P&CR 21; [2009] JPL 1477; [2009] NPC 46
01 01 09	Hammerton v. Ministry of Justice [2009] EWHC 1423 (Blake J)
18 07 08	Odogwu v. Chief Land Registrar [2008] EWHC 3565
01 01 08	Re: Wood Lane, Louth (letter of recommendation, January 2008)
01 11 07	Village green inspector
12 01 07	Rota Hertfordshire CC v. DEFRA [2006] EWCA Civ 1718; [2007] JPL 1207; [2007] 1 EG 93 (CS); [2006] NPC 133
19 10 06	London Mayor Ken Livingstone wins appeal against suspension
04 10 06	Ken Livingstone (Mayor of London) v Kingston (Ethical Standards Officer)

29 04 05	Batsford Estates (1983) Co Ltd v Taylor
01 01 05	R (on the application of Hertfordshire County Council) v Secretary of State for Environment, Food and Rural Affairs
01 01 05	Abbey National Plc v O'Hara
01 01 05	Simmons v. First Secretary of State
01 01 05	Todd v Secretary of State for the Environment, Food and Rural Affairs
01 01 05	R (H) v. Secretary of State for Health
01 01 05	Sloam v Adjudication Panel [2005] EWHC 124 (Admin)
26 02 04	Orange PCS Ltd v Bradford (VO)
01 01 04	South Tyneside Borough Council v Wickes Building Supplies Ltd [2004] EWHC 2428
01 01 03	Rowland v. Environment Agency
01 01 02	Henry Boot Homes Ltd v. Bassetlaw D.C.
01 01 02	Kingsalton Ltd. v. Thames Water Developments
01 01 01	Stapel v. Bellshore Property Investments Ltd
01 01 01	Starmark Enterprises Ltd v CPL Distribution Ltd
01 01 01	Hattingh v Secretary of State for the Environment, Transport and the Regions
01 01 00	Frogmore Developments Ltd. v. Shirayama Shokusan Co. Ltd.

## Publications

He has contributed to Halsbury's Laws of England Open Spaces and Monuments; to Hill & Redman's Law of Landlord and Tenant; and to Jacob's Court Precedents.