

Landmark Chambers

Barrister CV

Katrina Yates



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Katrina Yates

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Katrina is an outstanding property barrister, who specialises in real property and commercial landlord and tenant litigation and is highly ranked as a leading junior in the legal directories.



Expertise

Property, Planning

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Property

Katrina has a busy property litigation practice and is particularly strong on disputes involving land registration, commercial landlord and tenant, and planning law issues that arise in the real estate context.

Her practice encompasses:

- Development work (including overage, options, and promotion agreements)
- Commercial landlord and tenant (including forfeiture, landlord's consents, dilapidations, rent review, and disputes under the 1954 Act)
- Land registration (including alteration, rectification, indemnity and judicial review)
- Sale and purchase disputes (including misrepresentation, forfeiture of deposits, and disputes over vacant possession)

- Rectification of contracts and deeds
- Adverse possession and boundary disputes
- Easements
- Restrictive covenants
- Nuisance
- Trusts of Land
- Property-related professional negligence.

Katrina has significant experience acting in commercial disputes for large institutional clients, including property investors, developers, and household name retailers. With a background of experience in complementary areas of planning law, she is the counsel of choice for development work, or any property litigation case which has a planning law element.

Since 2020, she has also been appointed to the prestigious Attorney-General's A Panel of Junior Counsel. In that capacity, she regularly advises central government departments on property issues of public importance and is standing counsel to the Chief Land Registrar.

During her career at Landmark, Katrina has developed extensive breadth and depth of written and oral advocacy experience in the Senior Courts, including in the Supreme Court and the Court of Appeal, the High Court, as well in the First-tier Tribunal, the Upper Tribunal, and the County Court. Her varied experiences have also previously taken her into the magistrates' courts, the Crown Court, and public inquiries, from which she has developed agility and clarity as an advocate.

Recent and notable appearances include:

- ***Bay Dining Ltd v BNP Paribas Depositary Services Ltd*** (22 March 2023): successfully acted for BNP Paribas in defence of an application for relief from forfeiture of a commercial lease.
- ***Campbell v Chief Land Registrar*** [2022] EWHC 200 (ChD), before HH Judge Hodge KC: struck out multiple unmeritorious claims which sought to contend that various mortgages were invalid for failure to be executed by the lender as well as the borrower, based on a misapprehension of the Law of Property (Miscellaneous Provisions) Act 1989, s.2. Also obtained an extended civil restraint order against one litigant, which led to the making of a general civil restraint order on 2 March 2023 by Edwin Johnson J.
- ***Little v Linden Ltd*** (29 March 2022): defended a developer against a claim for an injunction, which sought the removal and relocation of a foul drainage system.
- ***Billings & Billings v Coyde Construction Ltd*** (2021): trial as to the validity and construction of an easement, which included a challenge to whether the easement had been properly registered so as to bind successors in title.
- ***R (HCP Hendon Ltd) v Chief Land Registrar*** [2020] EWHC 1278 (Admin), before Martin Spencer J: successfully defended the Registrar's decision to register a new lease as a concurrent lease, and in so doing clarified the law on the manner in which the Property Register to leasehold title can be relied on for the purpose of establishing the scope of the demise.
- ***Coventry Parkside Development Ltd v Uninn Parkside Development Ltd*** (Claim No. PT-2020-000075): acted for the defendant in an application for an injunction to restrain an airspace trespass caused by a crane oversailing an adjacent

development site.

- **Halfords Ltd v Turret Property Investments Ltd** (County Court at Sheffield, Claim No. C01BS690): successfully represented Halfords at a trial of its business lease renewal claim, which included a rarely fought dispute as to the valuation of the new rent.
- **Antoine v Barclays Bank UK Plc & Chief Land Registrar** [2018] EWCA Civ 2846 [2018] EWHC 395 (Ch): successfully defended the Chief Land Registrar in the High Court and in the Court of Appeal in relation to a claim for rectification of the registrar, following the setting aside of a court order that had been obtained by fraud.
- **R (Best) v Chief Land Registrar** [2016] QB 23 (CA): with Jonathan Karas KC, acted for the Registrar in this landmark Court of Appeal case testing the novel question of whether an adverse possession application is valid, where the possession on which the applicant relies to establish his claim constitutes the criminal offence of squatting in a residential building, under s. 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Other experience:

Katrina sat on the University of Bristol's Law School Advisory Board between 2013 and 2016 and is a guest LLB land law lecturer. She is a regular contributor to the *Civil Court Service* (the "Brown Book") and the *Civil Court Practice* (the "Green Book").

When she is not working at the law, Katrina is a keen singer and violinist who performs whenever she has the chance. She also enjoys learning languages and travelling, most recently taking-up surfing in Portugal and Morocco.

Planning

Katrina has a wide range of experience in planning law and continues to specialise in cases involving highly technical issues, particularly those relating to the Health and Safety Executive. Her expertise includes:

- Advising and representing claimants, local authorities and the Secretary of State in judicial reviews and statutory challenges in the High Court, particularly under sections 288 and 289 of the Town and Country Planning Act 1990 (the "Act"), or where planning issues arise collaterally in property cases or other civil proceedings.
- Appearing at public hearings and inquiries, including as to enforcement action, care homes, housing land supply, gypsy pitches, and health and safety issues

Notable cases include

- **Re: Thornton Science Park** (2019): public inquiry with David Forsdick KC, in which I successfully advised and represented the Health and Safety Executive on the technical evidence necessary to justify its objection to a proposal to introduce a university facility adjacent to the Stanlow Oil Refinery, based modelling and demonstrating the unacceptable residual risk posed to the surrounding populations.
- **Secretary of State for Communities and Local Government v Carroll; Lisle-Mainwaring v Carroll** [2018] JPL 194 (CA), before: Lindblom, Flaux and McFarlane LJ; against: Richard Harwood KC and Paul Brown KC. successfully acted for the Secretary of State, the second appellant, defending a challenge to the grant of planning permission for the change of use

from B8 to C3 to the owner/developer of the famous red and white striped house in Kensington. The Court dismissed the neighbour's challenge and affirmed the principles of *R (Mount Cook Land Limited) v Westminster City Council* [2003] EWCA Civ 1346 in relation to the materiality of alternative potential uses of a site. Paul Brown KC represented the first appellant. For a digest of the case, please [click here](#). For an article in The Times newspaper, [click here](#).

- ***Thorpe-Smith v Secretary of State for Communities and Local Government*** [2017] EWHC 356 (Admin): successfully defended the Secretary of State in this challenge under s. 288, which concerned a site in an Area of Outstanding Natural Beauty and was based on the inspector's alleged material unfairness against the appellant and his treatment of NPPF/14. The case is digested at [2017] JPL 74.
- **Re: *Silvertown Tunnel*** (2016 – 2017): represented the Health and Safety Executive at the DCO examination. The Development Consent Order may be accessed [here](#).
- **Re: *Burford Road, Witney, Oxfordshire*** (2016): s. 78 appeal in relation to a proposed housing development of 270 dwellings in the vicinity of a liquefied petroleum gas plant. Represented the Health and Safety Executive at a 2 week inquiry, whose advice the inspector accepted in her report and the Secretary of State accepted in his [decision](#).

Qualifications

Academic

- BA (Hons) English: First Class, Hertford College, Oxford (2003)
- MA (Hons) Law: Distinction, University of Bristol (2005) - *Two year fast-track LLB, with postgraduate research*

Professional

- Bar Vocational Course: Outstanding, BPP Professional Education Law School (2006) - *Katrina was graded Outstanding in an exceptional 10 out of 13 papers, and was the highest scoring BPP student of Lincoln's Inn in her year*
- Pupillage at Landmark Chambers (2006 – 2007)

Recommendations

"Such a talented barrister and rightly in demand."

Real Estate Litigation, Chambers and Partners, 2024

"Katrina is absolutely ruthless in cross-examination and incredibly well prepared, which produces devastating results." "Katrina Yates is a particularly robust advocate who is comfortable in carrying the fight to more senior opponents."

Real Estate Litigation, Chambers and Partners, 2023

"She is extremely thorough, and we always know that we are in very safe hands should a matter proceed to litigation."

Real Estate Litigation, Chambers and Partners, 2023

"Katrina is a forensic counsel who very quickly analyses the strengths and weaknesses of another party's case and gets straight to the nub of the matter. She has a particular flair for dealing with Land Registry claims and is a very robust advocate, performing superbly against other barristers often more senior than herself."

Property Litigation, Legal 500, 2023

"She will always guide you on how best to approach an opponent in order to maximise the strengths and avoid the weaknesses of your case." "She is user-friendly and a strong advocate."

Real Estate Litigation, Chambers and Partners, 2022

"Katrina is a robust and tenacious advocate, well able to hold her own against opponents of far greater seniority. She is my go-to person for Land Registration matters and development disputes that straddle property and planning law. Responsive and collaborative, she is certainly one to watch."

Property Litigation, Legal 500, 2022

"Commercial with great attention to detail." "Hard-working and user-friendly, and a strong advocate." "Excellent to work with and very approachable. She is forceful when necessary, but also pragmatic."

Chambers and Partners, 2021

"She is a superbrain, really fights clients corners and is great fun to work with."

Legal 500, 2021

"She is measured, firm and takes control of the situation." "She provides clear and practical advice." "Identifies issues very quickly and has a commercially-minded strategy."

Real Estate Litigation, Chambers and Partners, 2020

"She has an eye for detail that is second to none."

Legal 500, 2020

"Brilliant, incredibly practical and very responsive." "Great to work with and clearly relishes a challenge."

Chambers and Partners, 2019

"Just the type of character you want in your corner, her advice is clear and punchy."

Legal 500, 2019

"Witheringly bright, extremely determined, and very good on her feet." "Very punchy, very bright, and very easy to work with."

Chambers and Partners, 2018

"An excellent junior and one to have on your side in a fight."

Cases and inquiries

22 03 23	Bay Dining Ltd v BNP Paribas Depository Services Ltd
20 01 23	Campbell v Chief Land Registrar [2022] EWHC 200 (ChD)
29 03 22	Littler v Linden Ltd
01 01 22	Billings & Billings v Coyde Construction Ltd
20 05 20	R (HCP Hendon Ltd) v Chief Land Registrar [2020] EWHC 1278 (Admin)
13 02 20	Coventry Parkside Development Ltd v Uninn Parkside Development Ltd (Claim No. PT-2020-000075), in the High Court of Justice, Business and Property Court
11 12 19	Re: Thornton Science Park (2019 – 2020)
25 09 19	R (Atobatele) v Chief Land Registrar CO/2512/2019, in the High Court of Justice (Administrative Court), before Ms Margaret Obi
21 08 19	Secretary of State for Housing, Communities, and Local Government (acting by the DVSA) v Persons Unknown entering or remaining, with or without vehicles, on the land and buildings at the Large Goods Vehicle Test Centre, 33 Brancroft Way, Enfield, Greater
14 06 19	Higginson v The Trustees of the Susannah Carter Millennium Trust and Irving Carter (Claim No. E03CL20), in the County Court at Central London, before HH Judge Wulwik
12 06 19	Oriol Bowden v Chief Land Registrar (Claim No. BL-2019-001066), in the High Court of Justice, Business and Property Court, Chancery, before Mann J
20 03 19	Halfords Ltd v Turret Property Investments Ltd (Claim No. C01BS690), in the County Court at Sheffield
10 09 18	Appleyard & Appleyard v Gunn & Madron (REF/2017/0521), in the First-tier Tribunal (Property Chamber) (Land Registration), sitting at the County Court at Bodmin
11 07 18	Re: Land South of Court Lodge Road, Harrietsham (2015)

11 07 18	Re: Silvertown Tunnel (2016 – 2017)
11 07 18	Re: Land at Russell Ride Estate, Cheshunt (2014)
30 05 18	Hamilton v Chief Land Registrar (Claim No. A30LV046, High Court, Chancery Division, Liverpool District Registry, 2014)
30 05 18	Glasgow City Council v Savage (Claim No. HC-2014-00136, High Court, Chancery Division, 2014)
30 05 18	Roland Gift v Stephen Diggle & Philip Diggle (Claim No. 2CL10441, County Court at Central London, 2013)
30 05 18	Can Say v Land Securities Group Plc (Claim No. 8NN04679, High Court, Queen's Bench Division, 2013)
30 05 18	Cash v Secretary of State for Communities and Local Government [2013] EWHC 2028 (Admin), before John Howell QC, sitting as a Deputy Judge of the High Court
30 05 18	Canti v Lomax & Secretary of State for Communities and Local Government (Claim No. 2BS30359, High Court at Bristol, before HH Judge McCahill QC, 2013)
30 05 18	Ameen Adam v Salim Adam (Ref/2014/0069, in the First-Tier Tribunal, 2015)
29 05 18	National Westminster Bank Plc v Sackville SPF IV Property Nominee Ltd (Claim No. 3KT00296, County Court at Central London, 2014)
29 05 18	Friars Bridge Court Ltd v The Secretary of State (Claim No. HT13-33, TCC, 2014)
29 05 18	Highways England Ltd v Dale (Claim No. C00NRA443, County Court at Cambridge, 2016)
29 05 18	Co-Operative Food Stores Ltd v Sainsbury's Supermarket Ltd (County Court at Basildon, Claim No. B00BQ702, 2017)
29 05 18	Gumbs v (1) Popat (2) Popat (3) B M Samuels Finance Group Plc (4) Chief Land Registrar (5) NRAM Ltd (Claim No. C10CL043)
25 05 18	Ul Haq v (1) Lester Dominic Solicitors (2) Khan (3) Attarian (4) Nijjar (5) Chief Land Registrar (6) Bank of Scotland Plc (7) Rees Page Solicitors (Claim No. HC-2017-000642)
25 05 18	Carroll v Secretary of State for Communities and Local Government [2017] EWCA Civ 1315
24 05 18	Ashburton Trading Ltd v Cinar (County Court at Clerkenwell, Claim No. C02EC912. 2017)

24 05 18	Thorpe-Smith v Secretary of State for Communities and Local Government [2017] EWHC 356 (Admin)
17 04 18	Flowers v Chief Land Registrar & Thorpe Estate Ltd (UT/2017/0049), Upper Tribunal (Tax and Chancery Chamber), before Morgan J
06 11 17	Blackburn with Darwen Borough Council v Waghata (REC/2016/0026), First-tier Tribunal, before Professor Robert Abbey
08 09 17	Carroll v Secretary of State for Communities and Local Government [2018] JPL 194 (CA)
12 10 16	Antoine v Barclays Bank UK Plc & Chief Land Registrar [2018] EWCA Civ 2846 [2018] EWHC 395 (Ch)
15 01 16	Re: Burford Road, Witney, Oxfordshire (2016)
19 11 14	R (Best) v Chief Land Registrar [2016] QB 23 (CA), [2014] 3 All ER 63 (QB)
12 06 14	Co-operative Travel Ltd v Bainbridge (Claim No. 1MA02123, County Court at Manchester, 2014)

Publications

'Reasons to be Rational: public law principles in contractual discretion cases' (Mischon de Reya LLP, real estate in-house training seminar, January 2020).

'Forfeiture: Nuts and Bolts' (Landmark Chambers Seminar, 2019).

'Landlord's Consents: a Brief Guide' (Freeths LLP, in-house seminar, 2018).

'The Top Three Property Cases from 2017' (Veale Wasbrough LLP, in-house seminar, 2018).

'Adverse Possession and Land Registration workshop' (Landmark Chambers Real Property Conference, 2017).

'Unopposed Lease Renewals under the Landlord and Tenant Act 1954: the 'other terms', procedure and tactics' (Landmark Seminar, 2016).

'Adverse Possession: crime and punishment, or crime and reward?' (LLB lecture, University of Bristol, 2015).

Beginners' Guide to Forfeiture (Landmark Seminar, 2014).

Land Registration: a practitioner's perspective (LLB lecture, University of Bristol, 2013).

Long Leases: Forfeiture and other Modes of Determination: the Nuts and Bolts (Landmark Seminars, 2013 and 2011).

Indemnities for Costs under Schedule 8 to the Land Registration Act 2002: the Basis of Assessment (in-house training at HM Land Registry, 2012).

Gypsies and Planning: Where Are We Going? Recent Enforcement Cases (Landmark Seminar, 2010).

A Practical Guide to Enforcing the Mortgagee's Security: warrants of possession and problems with third parties (Landmark Seminar, 2009).

Regular contributor to the *Civil Court Service* (aka "the Brown Book").

Contributor to the nuisance chapter in Wooley et al, *Environmental Law* (Oxford University Press, 2nd edition).

'Appealing the Discretionary Grant or Refusal of Relief in Judicial Review Proceedings' (*Judicial Review: A Quarterly Journal*, [2009] JR 129).

Researcher to Professor Michael Furmston, *Cheshire, Fifoot and Furmston's Law of Contract* (Oxford University Press, 15th edition).
