

Landmark Chambers

Barrister CV

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Sophie Gibson

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Sophie's practice focuses on all aspects of land-related matters spanning property, planning and public law. She accepts instructions across Chambers' areas of practice with a specialist interest in the use of land and Chancery issues.



Expertise

Property, Planning, Public and Administrative

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Practice Summary

Sophie is a barrister with expertise in land-related matters spanning property, planning and public law. She accepts instructions across Chambers' areas of practice with a specialist interest in the use of land and Chancery (traditional and commercial) issues.

Her notable recent work includes:

- Sole counsel for the successful executor in a two-day trial in the Land Registration Division of the First-tier Tribunal (Property Chamber) on a case involving complex matters at the interface of traditional chancery and land registration, including setting aside a deed of trust for mistake and undue influence. The judgment is available [here](#).
- Sole counsel for the successful long leaseholder and upstairs neighbour whose downstairs neighbour brought claims in nuisance and negligence following instances of water egress into her flat. The claims for damages and injunctions were dismissed after a 2.5 day trial in the County Court involving extensive expert evidence, with Sophie's client being awarded 83% of his costs.

- Sole counsel for the successful Respondent in a 2 day trial in the Land Registration Division of the First-tier Tribunal (Property Chamber) addressing joint ownership, proprietary estoppel, and common intention constructive trusts in the domestic consumer context against a controversial factual background. The judgment is available [here](#).
- Sole counsel for the successful Appellant developer in a planning enforcement inquiry brought on grounds (d), (f) and (g) of s.174 Town and Country Planning Act 1990 against a Notice alleging material change of use from a single dwellinghouse to four flats. The Decision Letter was issued only three days after the inquiry closed and can be found [here](#).
- Junior counsel (led by [Justin Bates KC](#)) for the Respondent in the Court of Appeal seeking to uphold the decision of the Upper Tribunal (Lands Chamber) in ***Assethold Ltd v 159-167 Prince of Wales Road RTM Co Ltd*** [2023] UKUT 220 (LC), [2024] L. & T.R. 2 concerning estoppel and RTM costs under section 88 of the Commonhold and Leasehold Reform Act 2002.
- Representing landlords, tenants and executors in complex residential and commercial possession proceedings regarding tenancies under the Housing Acts 1980, Housing Act 1988 and both Parts I and II of the Landlord and Tenant Act 1954.
- Drafting and advising on pleadings, notices and counter-notices on enfranchisement, right to manage and rights of first refusal under the Leasehold Reform Act 1967, Landlord and Tenant Act 1987, Leasehold Reform Housing and Urban Development Act 1993 and Commonhold and Leasehold Reform Act 2002.
- Advising tenants on how to protect their use of communal gardens from both a property and planning perspective, including advice on strategy for opposing the landlord's intended rooftop development.
- Advising a local authority on whether it holds open space land on statutory or charitable trusts, as well as the validity of restrictive covenants purportedly granted pursuant to section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and their modification under section 84 of the Law of Property Act 1925.
- Planning enforcement in the Magistrates' Court for both prosecution and defence, from first appearance to trial.
- Advising and representing in court landowners in neighbour disputes regarding nuisance, easements, water rights, and trespass.
- Advising on the enforceability of section 106 Town and Country Planning Act 1990 planning obligations imposed upon leasehold land.

Sophie is an editor of the *Encyclopedia of Housing Law and Practice* (Sweet & Maxwell) and has previously assisted with *Snell's Equity* (Sweet & Maxwell) and *Land Law: Text, Cases and Materials* (OUP).

Sophie is a member of the Attorney General's "junior junior" scheme and acts for both claimants and defendants.

Before joining Landmark, Sophie graduated from the University of Oxford with first-class undergraduate and postgraduate Law degrees receiving numerous academic scholarships and prizes. As a student, she won the Landmark Chambers Property Law Mooting Competition 2018.

After graduation, Sophie worked in academia as a Research Assistant and Admissions Tutor at the University of Oxford. She undertook complex research into all areas of property law, landlord and tenant, equity and trusts, and the overlap between property law and human rights. She assisted with the new editions of the practitioners' text *Snell's Equity* (Sweet & Maxwell) and textbook *Land Law: Text, Cases and Materials* (OUP). Sophie specialised in 'post-Grenfell' fire safety issues, service charges and the Landlord and Tenant Act 1985 as an editor of and contributor to the University's [Housing After Grenfell Blog](#), a forum for discussion about housing and law-related matters with a particular emphasis on fire safety. She edited and managed the

University's [Property Law Blog](#), a platform for debating property theory, land law, trusts, equity, personal property, charities, landlord and tenant and housing.

Property

Sophie's practice encompasses the full spectrum of property law, including landlord and tenant (commercial and residential) and real property matters involving equity and trusts. Sophie edits the *Encyclopedia of Housing Law and Practice* (Sweet & Maxwell) and has a particular interest in land registration. The majority of her time is spent in court either in trials or on appeals, but she further assists in an advisory capacity.

Sophie recently acted as sole counsel for the successful Respondent in a two-day trial in the Land Registration Division of the First-tier Tribunal (Property Chamber). The case concerned proprietary estoppel and common intention constructive trusts in the domestic consumer context, against a very colourful and controversial factual background. The judgment is available [here](#), in which Sophie is praised for her vehement and succinct submissions.

She has experience in a wide range of property matters, such as:

- Possession proceedings (commercial, residential, mortgage and trespassers)
- Land registration
- Adverse possession
- Enfranchisement, right to manage, and rights of first refusal under the Leasehold Reform Act 1967, Landlord and Tenant Act 1987, Leasehold Reform Housing and Urban Development Act 1993 and Commonhold and Leasehold Reform Act 2002.
- Housing disrepair and unfitness claims
- Business tenancies and the Landlord and Tenant Act 1954
- Rights of light and the overlap with planning and public law
- Equity and trusts of land, particularly in the context of family homes
- Restrictive covenants and their enforceability
- Building Safety Act 2022
- Service charge disputes and fire safety matters under the Landlord and Tenant Act 1985
- TOLATA claims
- Easements
- Proprietary estoppel
- Wills, trusts and estates especially in the property context
- The Human Rights Act 1998, Article 8 ECHR and A1P1
- Bankruptcy and insolvency

- Statutory and charitable trusts
- The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020

Sophie is currently being led by Justin Bates KC in the Court of Appeal, acting for the Respondent seeking to uphold the decision of the Upper Tribunal (Lands Chamber) ***Assethold Ltd v 159-167 Prince of Wales Road RTM Co Ltd*** [2023] UKUT 220 (LC), [2024] L. & T.R. 2 concerning estoppel and RTM costs under section 88 of the Commonhold and Leasehold Reform Act 2002.

Sophie's cross-practice expertise means she is well-placed to receive instructions addressing property law matters in the public and planning contexts, including planning obligations and the ownership and disposition of land by local authorities.

During pupillage, in addition to taking on her own cases Sophie provided substantial assistance to her supervisors and other senior members of Chambers in the preparation of trials and appeals to the Court of Appeal and Supreme Court. Notably, Sophie assisted her supervisor Simon Allison ahead of his Supreme Court appearance for the successful landlord in ***Aviva Investors Ground Rent GP Limited v Williams & Ors*** [2023] UKSC 6. The case was a hugely important decision for the residential leasehold sector, concerning the operation of s.27A(6) of the Landlord and Tenant Act 1985 in the context of reapportionment provisions in a long lease.

Sophie's academic background complements her practical experience, allowing her to think creatively to find solutions for clients. Before joining Landmark, Sophie worked as a Research Assistant and Admissions Tutor at the University of Oxford. She undertook complex research into all areas of property law and theory, landlord and tenant, equity and trusts, personal property, charities, housing, and the overlap between property law and human rights.

Planning

Sophie has a varied practice across all areas of planning, with a particular interest in the overlap between planning, property and local government. She is regularly instructed to advise on planning matters and represent appellants and local planning authorities at public inquiries and also in the Magistrates Court for enforcement matters.

Sophie's recent work includes:

- Sole counsel for the successful Appellant developer in a planning enforcement inquiry brought on grounds (d), (f) and (g) of s.174 Town and Country Planning Act 1990 against a notice alleging material change of use from a single dwellinghouse to four flats. The enforcement notice was quashed on ground (d) as the Inspector found that the property had been in use as four flats without material interruption for more than four years prior to the issue of the notice. The Decision Letter was issued only three days after the inquiry closed, and can be found [here](#).
- Advising residential tenants in a mixed-use development regarding noise emanating from the ground floor commercial units and how to require reduction in noise via enforcement against breach of a planning condition and private law remedies
- Advising a landowner on the proper interpretation of planning permission, in particular pre-commencement conditions, **Whitley** issues and tree preservation orders, where a prospective purchaser of the land had without permission commenced

demolition work and cut down trees.

- Planning enforcement in the Magistrates' Court for both prosecution and defence, from first appearance to trial.
- Advising tenants on how to protect their use of communal gardens from both a property and planning perspective, including advice on strategy for opposing the landlord's intended rooftop development.

Sophie has expertise in statutory trusts, public rights of access to open space, rights of way, and the disposition and appropriation of land by local authorities under the Local Government Act 1972 after ***R (Day) v Shropshire Council*** [2023] UKSC 8. During pupillage, Sophie provided substantial assistance to Alex Goodman KC, lead counsel for the successful Appellant in ***Day***, with formulating grounds of review of planning decisions based on the Public Health Act 1875, Open Spaces Act 1906 and Green Belt Act 1938. Sophie's property background makes her well-placed to receive instructions on these issues, as well as questions of enforceability of section 106 agreements.

Additionally, Sophie gained experience in a wide range of planning, infrastructure and environment matters, representing claimants, defendants, and interested parties, including commercial bodies, developers, local authorities, local residents, and community action groups. The matters included:

Planning inquiries: acting for developers and landowners in several section 78 TCPA 1990 appeals concerning large-scale mixed-use and residential developments and assisting with the preparation of expert witnesses in planning, landscape, highways, transport and flooding.

Compulsory Purchase Orders: drafting opening and closing submissions for the promoting Council in the Coventry City Centre South CPO inquiry. The Order was confirmed and enables the assembly of land interests to deliver a mixed-use redevelopment of Coventry's city centre, including new commercial uses together with c. 1,500 homes.

Infrastructure and Development Consent Orders: preparing expert witnesses for an Issue Specific Hearing in the Sunnica Energy Farm Development Consent Order addressing landscape and visual impact, historic environment, in-combination impacts, traffic and transport. The 500MW solar farm scheme involves four sites in Cambridgeshire and Suffolk and, if approved, would be one of the largest solar farms in Europe.

High Court planning: drafting skeletons and pleadings in judicial review and statutory appeals of decisions in respect of various matters, ranging from the Home Secretary's plans to accommodate up to 1700 asylum seekers at Wethersfield Airfield, to the Secretary of State for Business, Energy and Industrial Strategy's decision not to assess the environmental effects of downstream emissions resulting from new licenses for oil and gas extraction.

Waste: advising the operators of a gold mine on whether a by-product of mining is "waste" within the EU Waste Framework Directive or has reached "end of waste" status, requiring consideration of complex issues of fact and law surrounding the status and applicability of EU law post-Brexit.

Enforcement: advising a local authority on whether it was expedient to take enforcement action by way of Enforcement Notices and a Stop Notice in relation to a breach of a permission for the winning and working of minerals and deposit of mineral waste at a landfill.

Public and Administrative

In keeping with her specialist interest in the use of land, Sophie is building a land-focused public law practice acting for claimants, defendants, interested parties and interveners.

Sophie has expertise in statutory and charitable trusts, public rights of access to open space, rights of way, and challenges to the disposition and appropriation of land by local authorities under the Local Government Act 1972 after ***R (Day) v Shropshire Council*** [2023] UKSC 8.

During the public law seat of her pupillage, she was supervised by Alex Goodman KC who was lead counsel for the successful Appellant in ***Day***. She assisted Alex with drafting judicial review pleadings and formulating grounds to challenge decisions of local authorities based on the Public Health Act 1875, Open Spaces Act 1906 and Green Belt Act 1938.

Her notable recent work includes advising a residential landlord and creditor on the merits of challenging by way of judicial review the imposition of a Breathing Space Moratorium under The Debt Respite Scheme (Breathing Space Moratorium and Mental Health Crisis Moratorium) (England and Wales) Regulations 2020. Sophie had previously successfully acted for the landlord in possession proceedings relating to the same tenant.

Sophie's property background makes her well-placed to receive instructions on these cross-over issues.

Qualifications

- University of Law – Bar Practice Course (Outstanding)
- University of Oxford, University College – Bachelor of Civil Law (Distinction)
- University of Oxford, University College – BA Law (First Class).

Publications

Editor – Encyclopedia of Housing Law and Practice

Gibson, S. and Hembling, B. (2021) Fire Safety Claims: What you need to know and where to start. Published on the Housing After Grenfell blog website
