Robert Weatherley



Year of Call: 2011
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Property and Estates

Land Registration

Robert advises on cases relating to freehold covenants (including applications to discharge or modify the same in the Upper Tribunal), boundary disputes and claims for adverse possession of land, as well as cases relating to easements and profits, rights of common and claims to rectify the land register.

Robert also writes in respect of these areas. In 2024, the second edition of 'Restrictions on the Use of Land' was published. The text focuses on easements, freehold covenants, applications to list land as assets of community value, village green applications, wayleaves (and issues arising from the rights of statutory undertakers), TPOs (Tree Preservation Orders) and planning enforcement.

Notable cases include:

- Applications to discharge or modify covenants said to impede prospective development
- A claim for rectification of the register where the applicant alleged fraud
- Applications to register prescriptive easements
- Claims relating to interferences with easements, including those where declaratory relief is sought as to the scope of rights expressly granted
- Claims relating to excessive user of an easement where a change of use was proposed (planning permission for a small-scale residential development)
- Adverse possession claims under pre-and post-Land Registration Act 2002 rules
- Advice in relation to the enforceability of restrictive covenants including those relating to building schemes
- Advice and representation in relation to profits a prendre and rights of common;
- Advice and representation in relation to disputes as to beneficial ownership of residential property in the absence of express trust declarations (i.e TOLATA claims).
- Representation in the Upper Tribunal in a dispute between a statutory undertaker (a utility company) and a large telecommunications firm relating to the positioning of telecommunications hardware on nationally important infrastructure.

Planning and Highways work

Robert advises and represents regularly in relation to public rights of way and more general planning matters. In relation to the former, work has included instructions at both inquiry and advisory stages.

Notable cases include:

- 7 days at a non-statutory inquiry acting for the objector (as junior) at a public inquiry relating to a large-scale development in Exeter (Village Green Application)
- Instructions to advise and represent at inquiries to modify the definitive map made upon the discovery of evidence that is alleged to prove the location of a historic public right of way.
- Instructions to advise and represent at a public inquiry relating to a public right of way said to have arisen by statutory presumption (long user).
- Injunctions (both interim and final) under s.187B of the Town and Country Planning Act 1990 for breach of planning control.
- Advising on the Community Infrastructure Levy both for the collecting authorities and for developers
  Advising in relation to material change of use and planning appeals.
- Advising in relation to planning enforcement (both on appeal of an enforcement notice and in the criminal courts).

Agriculture

Robert has experience of advising on: Farm Business Tenancies; Agricultural Holdings; and (in a residential/agricultural context) Assured Agricultural Occupancies. Robert also advises in related areas, including: options and overage agreements relating to the development of agricultural land; disputes relating to drainage rights; rights of common and profits; and rights of way disputes between farmers.

Notable cases include:

- Advising and representing the tenant of a farm who sought to argue that he had a tenancy protected under the Agricultural Holdings Act 1986. The landlord averred that such protection had been lost and that the facts gave rise to an implied surrender and re-grant of the tenancy post 1995, by operation of law.
- Instructions to advise and represent a landlord who sought to evict a former employee on the basis that he lacked security of tenure, not being an Assured Agricultural Occupant within the meaning of the Housing Act 1988.
- Applications before the First Tier Tribunal (Agricultural Land and Drainage Division) for consent to the operation of a notice to quit an Agricultural Holding.
- Disputes relating to agricultural rights of way, including a long running case between two farmers over the extent and scope of an expressly granted right.
- Disputes relating to the contamination of ground water (i.e nuisance claims).
- Cases related to drainage easements.
- Breaches of planning control alleged against a farmer that owned a quarry site and the extent of his permitted development rights.

Commercial Property

Robert advises on all matters relating to commercial leases from s.25 notices and forfeiture to dilapidation claims. Robert is able to provide advice on the interpretation and enforcement of leasehold covenants and rent reviews.

Notable cases include:

- Instructions to advise and represent commercial landlords in forfeiture actions (including those where estoppel and waiver are alleged).
- Dilapidation claims through to trial.
- Contested lease renewals.

- Rent review disputes (including at arbitration).
- Service charge disputes.
- Applications made under the Electronic Communications Code, relating to the renewal of an arrangement between a water company and a well-known telephone provider (the argument centring primarily on security arrangements over infrastructure attached to a water reservoir, pumping station and water tower)
- Advising on matter sunder the Electronic Communications Code relating to renewal rights;
- Experience on connection notices served under the Water Industry Act 1991.

Residential Property

Robert advises on all matters relating to residential leases, including: the payment of service charges; enfranchisement and lease extensions; forfeiture actions; rent repayment orders and possession (eviction) claims. More unusually, Robert has experience of dealing with particular issues that arise from absentee landlords, cases where the freehold reversion has escheated to the Crown and cases relating to tenancy fraud.

Notable cases include:

- Instructions to advise and represent 42 tenants of a residential block of flats in a dispute concerning the payment of £3.2m in service charges for the replacement of defective cladding.
- Instructions to advise and represent a groups of tenants in the First Tier Tribunal (Property Chamber) in a dispute about the reasonableness of service charges.
- Instructions to advise and represent a landlord seeking to appeal a decision of the Local Authority to revoke his HMO Licence (First Tier Tribunal (Property Chamber).
- Instructions to advise and represent the Respondent in the First Tier Tribunal (Property Chamber) in resisting a Rent Repayment Order.
- Possession claims, including those involving technical defences under the Equality Act 2010 and claims of disability discrimination.
- Instructions to advise in relation to implied easements in the context of a poorly drafted sub-lease, where the landowner (the Crown, the land being escheat) was refusing to become involved in the management of the block of flats.
- Instructions to advise a landlord in respect of various acts of encroachment by a tenant who was claiming adverse possession of loft space.
- Instructions to advise and represent in Judicial Review proceedings, including those in relation to homelessness and local authorities' duties under Part VII of the Housing Act 1996.
- Advising the Housing Ombudsmen in relation to complaints made to them pursuant to the Housing Ombudsmen Scheme.
- Reviews in the County Court pursuant to S.204 of the Housing Act 1996 where the applicant was seeking to appeal the decision of the local authority.

Articles

Journal of Planning and Environment Law publishes a superb review of Webster and Weatherley's "Restrictions on the Use of Land".

In a review authored by Dr Ashley Bowes, the Journal of Planning and Environment Law has positively commented on "Restrictions on the Use of Land", William Webster and Robert Weatherley's planning law reference book.

Click below to read the review.

Published by Wildy, Simmonds & Hill the book covers the law and practice in a number of fields which impact the use of land and there is considerable focus on remedies for the infringement of rights in, on or over land. The areas covered include:

easements, town and village greens, public rights of way, restrictive covenants, assets of community value and elements of planning law.

View Article

Recommendations

Robert Weatherley of 3PB Barristers covers a wide range of cases, including landlord and tenant disputes and real property issues. He is particularly noted for dealing with restrictive covenant and right of way matters.

Strengths: "Robert is an exceptional barrister. He is incredibly user-friendly and always on hand to take a call and provide advice. "Robert provides thoughtful and proactive advice. His client service skills are excellent as he makes himself accessible and will always go above and beyond what is required.""Not only is Robert a very capable barrister, he is also fantastic with clients in conference, advising in a clear and succinct manner."

Chambers UK 2025/Real Estate Litigation/Western circuit

Strengths: "Excellent with clients. Robert is a calm yet forceful advocate with a keen understanding of what clients want and how this can be best achieved."

Chambers UK 2024/Real Estate Litigation/Western circuit

Strengths: "His advocacy is assured."
"Robert provides sensible, pragmatic advice with a strong grasp of the relevant law and a keen understand of the client's case."
"His drafting skills and handling of clients is excellent."
"Robert is very easy to deal with and is always happy to have a quick chat on the phone."
"His ability to digest large amounts of information and documents and deal with clients in a compassionate way is unusual."

Chambers UK 2023/Real Estate Litigation/Western circuit

Strengths: "He is well organised and speaks the clients' language, understanding where they are coming from even in tough cases." "He is approachable and happy to spend time going through things."

Chambers UK 2022/Real Estate Litigation/Western circuit

Robert Weatherley has a solid track record in advising on both residential and commercial real estate disputes.

'Robert is excellent with clients and can convey complex issues to clients effortlessly. He has a brilliant eye for detail.'

Legal 500 2025/ Property and Construction/ Western Circuit/ Leading Junior

Robert Weatherley is ranked in the Legal 500 2025 for Agriculture/ Western Circuit/ Leading Junior - Tier 1

'an encyclopaedia of knowledge'

3PB 'Robert has the ability to boil down huge amounts of information on to a single sheet of paper. He has a great deal of compassion for his clients but is very robust with opponents.'

Legal 500 2024/ Property and Construction/ Western Circuit/ Leading Junior

The 'terrific advocate' Robert Weatherley has a solid track record in handling land- and property-related disputes, rights of way issues, and commercial lease matters, to name a few areas.

'Robert is fantastic to deal with. He is incredibly intelligent and an absolute asset on any case. He provides invaluable advice.'

Legal 500 2023/Property and Construction/Leading Juniors/Western Circuit

'Robert has an easy-going, approachable manner that puts clients at ease, combined with a formidable intelligence and an ability to see the wood for the trees.'

Legal 500 2022/Property and Construction/Leading Juniors/Western Circuit

'Robert will always create an excellent working relationship at court with both clients and witnesses and make them feel at ease. I believe this is what makes him stand out from other barristers. Robert has an extensive background of housing law and clients often have fed back that they are impressed with how he handles cases and his work at court.'

"Robert Weatherley is considered a go-to for various property-related commercial disputes."

Legal 500 2021/Property and Construction/Leading Juniors/Western Circuit

Academic qualifications

- MSt, University of Oxford (Distinction)
- LL.M,University College London (Merit)
- LL.B (Hons), University of Warwick

Scholarships

- Harmsworth Scholar (Honourable Society of the Middle Temple)

Professional qualifications & appointments

- Fee-paid Judge of the First-tier Tribunal (Property Chamber)

Professional bodies

- Middle Temple
- Property Bar Association
- South Eastern Circuit
- Western Circuit