

Andrew Nicklin

Year of Call: 2010

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Property and Estates

Andrew is a specialist property and chancery barrister with 3PB's Property and Estates team. His practice is a mix of real property, landlord and tenant and traditional chancery, regularly advising and representing clients in the High Court (Business and Property Courts), County Courts and other specialist Tribunals. Andrew is recognised for providing a high level of client care and service to solicitors and lay clients alike.

Andrew has a particular specialism and substantial experience in real property matters, acting and advising in disputes such as:

- Adverse possession
- Boundary disputes
- Rights of way and easements (including right to light cases)
- Public rights and protected or designated sites (such as SSSIs)
- Land Registration
- Covenants
- Trusts of Land (ToLATA) claims and orders for sale
- Estoppel and other equitable remedies involving land and proprietary rights
- Trespass and nuisance claims
- Real property disputes involving public bodies and local authorities
- Professional negligence claims involving property transactions and surveys

In leasehold and housing matters, Andrew regularly advises and represents clients in the following:

- Leases and enfranchisement
- Commercial landlord and tenant disputes (1954 Act)
- Residential landlord and tenant (leases and licences)
- Agricultural tenancies
- Local authority housing policy advice
- Housing disrepair claims
- Trespass
- Social housing and anti-social behaviour
- Equality Act 2010 matters in housing cases

- Mobile Homes Act claims

Andrew also has a particular specialism in property and housing related claims in respect of local authority gypsy and traveller sites. Andrew has worked with a number of local authorities concerning issues such as: licences, Mobile Homes Act claims, water disputes, equitable interests over sites, adverse possession, anti-social behaviour, site management and diversity inclusion and Equality Act issues.

Some recent property case highlights include:

- Successfully representing a commercial tenant at multi-track trial in respect of a 1954 Act lease renewal and on appeal before Roth J in the Chancery Division (Rolls Building) in 2022. The trial judgment was upheld save for an adjustment to the trial costs order.
- Successfully representing a man who had been in adverse possession of an unregistered village motor garage for in excess of 20 years. After a four-day trial, the trial judge dismissed the claim for possession and made declarations as to his adverse possession and his entitlement to be registered as the proprietor of the garage at HM Land Registry.
- Successfully representing a couple in defending the preservation of their rights of way across land previously sold off in part.
- Settling a complex and historic boundary and adverse possession dispute between neighbouring properties involving water.
- Settling a family ToLATA dispute involving a hotel
- Representing a property company in its claim for rescission of the purchase of a public house on the basis of misrepresentations made by the vendor.
- Advising and representing a central London homeowner in respect of his professional negligence claim against solicitors as to faulty advice regarding the removal of restrictive covenants from his title prior to commencing the build of an expensive second property on the land.
- Advice and drafting in respect of claims against surveyors prior to property purchases.
- Advice in respect of right to light.
- Advice in respect of a case involving the infringement of public rights of way and rights over an SSSI.
- Settling a complex property dispute concerning adverse possession of a gypsy and traveller site.

Recommendations

‘Andrew is very hands-on and helpful, happy to offer advice throughout a case on an ad hoc basis to assist with case progression. He is very well-prepared, including in the mediation context. He is very good at managing a client, and his negotiation skills are excellent.’

Legal 500 2024/Chancery, Probate and Tax/South Eastern Circuit/Leading Juniors

“a preferred counsel of mine in respect of property related disputes.”

Mark Taylor, Partner, Cunningtons LLP

Academic qualifications

- LLB, First Class Honours, College of Law (2010)
- Graduate Diploma in Law, Distinction, College of Law, Birmingham (2009)
- Bar Vocational Course, Outstanding, College of Law, London (2010)

- Postgraduate Certificate in Education (PGCE), University of Warwick
- BA (Hons) History, University of Bristol

Scholarships

- Middle Temple, Baron Dr Ver Heyden de Lancey Prize for 'Outstanding' results: BVC
- Middle Temple, Certificate of Honour: BVC
- Middle Temple, BVC Diplock Scholar
- Middle Temple, GDL Benefactors Scholar
- Middle Temple, Blackstone Entrance Exhibition
- Leonard Sainer Foundation Trust Award
- Mills & Reeve LLP Prize, Best Overall GDL Student (College of Law, Birmingham, 2009)
- Mills & Reeve LLP Prizes, Best GDL scores in Land, Public and EC Law (College of Law, Birmingham, 2009)

Professional qualifications & appointments

- Deputy District Judge (South Eastern Circuit)
- Fee-paid Employment Judge of the Employment Tribunals (England & Wales) – London Central

Professional bodies

- Member of the Chancery Bar Association
- Member of the South Eastern Circuit
- Property Bar Association

Direct Access

Andrew Nicklin is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.