



# Robert Weatherley

**Year of Call:** 2011

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## Overview

Predominantly a property practitioner, Robert Weatherley's areas of work focus on land disputes, commercial property and residential landlord/tenant law. Recent work has included instructions to advise and represent in the First Tier Tribunal (Property Chamber), the Upper Tribunal (Lands Chamber), the County Court and the High Court.

Outside of Chambers, Robert has taught at the University of Warwick since 2011 and is the co-author (with William Webster, also of 3PB) of the textbook "Restrictions on the Use of Land" - a 700 page textbook focusing on the day to day problems faced by developers, land lawyers and other professionals involved in the development of land. The text includes a foreword from the former President of the Supreme Court, Lord Neuberger: *"A book which analyses this complex law in an authoritative, up-to-date, practical and clear way is to be warmly welcomed. William Webster and Robert Weatherley deserve warm thanks for having produced such a timely book"*.

## 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 bodies

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

# Property and Estates

## Residential Property

Robert accepts instruction on behalf of both landlords and tenants and is able to assist in all matters that relate to residential leases. Recent work has included disputes relating to: the payment of service charges; enfranchisement and lease extensions; forfeiture actions; rent repayment orders and possession (eviction) claims.

### Recent work

- 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
- Fast and multi-track 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
- 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 is seeking to appeal the decision of the local authority.

## Land and Real Property

Robert's practice has developed a heavy bias towards land disputes. In 2016 he published (with William Webster) a textbook on the "Restrictions on the use of land" (Wildy, Simmonds and Hill). The book focuses on: public rights of way, easements, restrictive covenants, applications to list buildings as assets of community value and village greens applications. Robert has expertise in all of these areas as well as adverse possession, boundary disputes and planning enforcement.

### Recent cases

- 4 days in the First Tier Tribunal (Property Chamber) representing 7 applicants in their application for prescriptive easements
- 2 days in the First Tier Tribunal (Property Chamber) representing a developer in their objection to the registration of a prescriptive right of way over land with planning permission
- Instructions to advise and represent in the First Tier Tribunal (Property Chamber) in relation to a claim for adverse possession of registered land under Pre-Land Registration Act 2002 rules
- 7 days at a non-statutory inquiry acting for the objector (as junior to William Webster) at a public inquiry relating to a large-scale development in Exeter (Village Green Application)
- Instructions to advise and represent in relation to the discharge of covenants which impede reasonable user, by way of

s.84 application to the Upper Tribunal (Lands Chamber)

- 4 days in the County Court in relation to a case revolving around boundary disputes, adverse possession and the flooding of agricultural land
- Advice in relation to the enforceability of restrictive covenants including those relating to building schemes
- Advice and representation in relation to interferences with easements
- Advice and representation in relation to disputes as to beneficial ownership of residential property in the absence of express trust declarations.

## Commercial property

Robert advises on all matters relating to commercial leases from simple s.25 notices and forfeiture to dilapidation claims in the High Court. He is able to provide advice on the interpretation and enforcement of leasehold covenants and rent reviews. Robert's land and residential landlord/tenant practice complements his knowledge of commercial property.

### Recent work

- Instructions to advise and represent a commercial landlord in their action for forfeiture where a third party was seeking to prevent possession by way of a counterclaim for proprietary estoppel
- Multi-track dilapidation claims, including those involving technical defences on the basis of s.18 of the Landlord and Tenant Act 1927
- Advice and representation in relation to applications to the Court for a grant of a new tenancy following service of a s.25 notice
- Service charge disputes.

## Agricultural Property

Robert has experience of advising on: Farm Business Tenancies; Agricultural Holdings; and (in a residential/agricultural context) Assured Agricultural Occupancies.

### Recent cases:

- Advising and representing the tenant of a farm who was seeking to argue that he had a tenancy protected under the Agricultural Holdings Act 1984. 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.

## Publications

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 Publication](#)