



# PUMP COURT

## CHAMBERS

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## SIMON LANE

"Simon's attention to detail and client care is excellent. Always a safe pair of hands."

Elizabeth Johnson, Ashfords

Call: 2002

For enquiries please call +44 (0)20 7353 0711 or email

Simon Lane is a property and estates barrister and mediator, with a niche practice in the law of town and village greens.

Simon's practice in both property and inheritance matters means he is particularly well placed to help clients at risk of losing their home, farm or other business after a death. Simon is particularly sensitive to the legal issues that crop up in claims that arise on death and prides himself on being able to deal with the often delicate relationships between family members.

Simon is based in London with a national practice concentrated across London, the South and West of England.

## Inheritance, Wills & Probate

Simon deals with claims arising on death, contentious private client and traditional chancery cases including:

- Trusts of Land, Co-ownership, Constructive and Resulting Trusts and Proprietary estoppel;
- Wills, Trusts and Probate claims;
- Inheritance Act Claims;
- Administration Actions;
- The retirement, appointment and removal of trustees and personal representatives

Much of this work is dealt with in Property, Trusts and Probate List in the Chancery Division as well as in Chancery Business in the County Court at Central London and in Bristol.

A recent example of this work includes [Archibald v Alexander \[2020\] EWHC 1621 \(Ch\)](#) which confirms that where

property is transferred to a party on particular terms, if they refuse to abide by those terms in a way that is unconscionable, constructive trust principles apply.

## Selected Cases

## Property Law

Simon has a longstanding and broad property litigation practice and regularly appears in the High Court and County Court as well as in the First Tier Tribunal (Property Chamber) for Land Registration matters and residential property cases. Examples include:

- Boundary disputes;
- Adverse possession;
- Disputes over rights of way and other easements;
- Property torts such as nuisance;
- Issues arising with conveyancing;
- Co-ownership issues;
- Party Wall Etc Act matters and Access to Neighbouring Land;
- Option agreements and overage;
- Vesting Orders and Bona Vacantia;
- Rectification and Land Registration.

### Town & Village Greens & Highways

An increasing part of Simon's property practice relates to the law of Town and Village Greens and highways. Simon's extensive property background assists where there is conflict between public and private law property rights. Simon frequently appears at planning meetings and inquiries and he has appeared in the High Court on appeal by way of judicial review.

Simon recently appeared for the successful Claimant in the Administrative Court in the reported decision of *R (Oao Goodman) v Secretary of State for the Environment Food and Rural Affairs [2015] EWHC 2576 (Admin)* where he was led by Douglas Edwards QC. The matter was remitted for redetermination and the Planning Inspectorate has now approved the application to register Eastern Fields in Exeter as a new Town Green.

### Landlord & Tenant

Landlord and tenant work forms a substantial part of Simon's practice. He regularly appears in the County Court and

First Tier Tribunal (Property Chamber) for residential property cases. Simon has significant experience in the following areas:

- Residential landlord and tenant, including possession, forfeiture, enfranchisement and service charges;
- Appeals against Housing Improvement Notices under the Housing Act 2004;
- Commercial landlord and tenant, including 1954 Act renewals, forfeiture and dilapidations;
- Breaches of covenant and consent to change of use etc;
- Enfranchisement;
- Quiet Enjoyment and protection from eviction.

## Alternative Dispute Resolution

Simon has been accredited mediator since 2006. He has undertaken many mediations both as mediator and as advocate.

Simon is a member of chambers' Inheritance and Probate Mediation Team and has extensive experience of mediating disputes in this area, along with his other specialist area of Property related work. Examples of his work as mediator include:

- Contested probate claims
- Claims under the Inheritance (Provision for Family and Dependents) Act 1975
- Boundary Disputes
- Rights of Way disputes
- Claims under the Torts (Interference with Goods) Act 1977
- Partnership disputes
- Diminution in value of land claims
- Shareholder disputes and Unfair Prejudice Petitions
- Building and construction claims

Simon often represents parties at joint settlement and round table meetings.

## Direct Access

Simon is often instructed by members of the public, without the involvement of a solicitor in the areas of work in which he practices, in particular property claims, contested probate and inheritance matters and in town and village green cases.

Simon is extremely approachable and is happy to discuss his potential involvement with clients direct to see how he can best help to achieve a desired outcome whilst keeping a constant eye on the costs. In suitable cases Simon will refer clients to appropriate and experienced solicitors who can deal with the day-to-day running of cases.

Examples of cases where Simon has helped clients direct include:

- potential liability under guarantee agreements
- the enforceability of agreements reached at mediation
- ownership restrictions relating to Spanish property
- contested probate and inheritance claims
- boundary and rights of way disputes
- costs assessments

Applications for Town and Village Greens under the Commons Act 2006 are particularly suitable cases for direct instruction either at pre-inquiry and/ or inquiry stage. Simon is happy to help clients prepare documents and bundles in advance of inquiries, which he does electronically using specialist software.

Simon is also able to call on specialist QCs and solicitors to assist where appropriate, such as in heavy appeals from decisions by registration authorities and inspectors.

## Planning, Environmental & Village Greens

Simon's Village Green work means that he is well placed to deal with other matters where there is a cross over between property and public law. Simon's recent work frequently includes advising on restrictive covenants where extensive planning input is required and has recently acted for the claimant in a compulsory purchase matter before the [Upper Tribunal in 599 Developments Ltd v NMB Generation CO HPC\) Ltd \[2019\] UKUT 235 \(LC\)](#).

## Qualifications

- LLM (2000)
- LLB (1999)

## Professional associations

- Property Bar Association
- Western Circuit

## Professional activities

- Approved Pupil Supervisor

## Outside Interests

Travel, in particular South Africa.