

John Sharples

Head of Real Estate



YEAR OF CALL: 1992

INN: MIDDLE TEMPLE

“ Pre-eminent junior with an outstanding reputation for his property disputes practice. ‘He is a brilliant advocate and you can rely on him to pull something out of the bag.’
‘Very responsive, very intelligent and very commercial.’ ”

CHAMBERS UK, 2020
REAL ESTATE

Practice Overview

John is the Head of St John's Real Estate team. He is a very experienced adviser and advocate in real estate and chancery litigation, an area in which he has specialised for over 25 years.

John is ranked in Band 1 for real estate litigation and chancery in Chambers UK and is one of Legal 500's leading individuals. Chambers UK describe him as "An exceptional barrister both in terms of his judgment and his people skills and as good as any senior junior in the country. 'He is brilliant at property problems.' "

He is the author of Land Licences (Jordans Publishing 2011), for which Lord Neuberger of Abbotsbury wrote the foreword.

John has a First Class degree in law from Oxford University and Masters degrees from Cambridge University and the University of Pennsylvania. Before coming to the Bar he worked as an Attorney in a Wall Street law firm, where he was involved in major international commercial litigation.

He has a wide-ranging, litigation-based practice covering all aspects of real estate, especially sales of land, easements, restrictive covenants options/rights of pre-emption, overages, land registration, boundaries and adverse possession, commercial/agricultural/residential landlord and tenant, and associated professional negligence. He is also a qualified mediator.

Areas of Expertise

Agriculture & Rural Affairs

John is a very experienced advisor and advocate and has practiced in the area of agriculture and rural affairs for over 25 years. He understands the needs of the farming community and provides specialist, cost-effective advice and representation that is designed to produce positive practical outcomes that achieve the clients' goals.

John recently acted for the successful party in *Churston Golf Club v Haddock* [2018] EWHC 347 (Ch) which established for the first time that fencing easements can be created expressly.

John's work in this area includes the following:

- ▶ Farm and agricultural land sales/purchases
- ▶ Farming partnership disputes
- ▶ Trusts and succession disputes between family members
- ▶ Statutory security of tenure and succession under the Agricultural Holdings Act 1986
- ▶ Farm business tenancies under the Agricultural Tenancies Act 1995
- ▶ Water and drainage rights, including riparian rights
- ▶ Public and private rights of way
- ▶ Obligations in relation to boundaries separating agricultural land
- ▶ Profits a prendre
- ▶ Boundaries and adverse possession
- ▶ Nuisance claims (flooding, noise, smells, etc.)

Highways & Rights of Way

John has expertise advising and representing clients in relation to the following:

- ▶ Existence/creation of public rights of way
- ▶ Nature of those rights (public footpath, bridleway or highway)
- ▶ Physical extent of those rights
- ▶ Ownership of roadside hedges/fences, verges and ditches/drains
- ▶ Ancillary rights and responsibilities (drainage, etc.)
- ▶ Re-routing and stopping up of highways
- ▶ Claims concerning others' use of highway land
- ▶ Flooding claims relating to highways

Mediation

John became a fully-qualified mediator in early 2015 and now specializing in mediating property, private client and related areas. He also lectures on aspects of mediation law and practice to solicitors in the South West and Wales. John is the Head of Property at St John's Chambers and a barrister with nearly 25 years' experience, almost entirely in the areas of property and private client.

John has a good success rate for achieving settlements at mediation. His style is friendly but direct and incisive. The qualities he most values in the mediation process are judgement, common sense and practicality. He looks to help the participants identify at an early stage what they can achieve from the process and explores ways in which they can do so.

In particular he applies his knowledge and expertise to help them evaluate their own case, where appropriate and identify their real interests in order to achieve a principled and pragmatic solution.

He has been described as "very easy to deal with...very down to earth" and "particularly user-friendly and wise as can be" (Chambers UK 2015) and has been praised for his "commercial acumen" (Legal 500, 2015) attributes he

brings to mediations.

Professional Negligence

John's professional negligence specialism is closely linked to his main area of practice, specifically cases involving real estate and associated litigation. The sort of work John undertakes includes the following:

- ▶ Conveyancing claims arising out of the purchase/sale of land. These include mistakes relating to pre-contract enquiries, searches, filing at HM Land Registry, failing to advise and drafting defective overage terms, options and restrictive covenants and the defective implementation of options.
- ▶ Claims against surveyors/valuers based on negligent investigations and valuations.
- ▶ Conveyancing claims concerning leases. For example, failing to obtain consent to assign/sublet, failing to register leases, failing to advise as to rent reviews and break clauses and the defective implementation of break clauses.
- ▶ Claims arising from the conduct of litigation claims generally involving land.

Real Estate

John is very well versed in handling a variety of complex cases and has a comprehensive knowledge of the law relating to rights of way, boundaries, trespassing and other issues. He takes instructions from landowners, public authorities and private clients, among others.

John's practice covers the whole area of real estate but his particular specialisms include the following:

Conveyancing disputes

- ▶ Contracts for the sale of land, for example, title problems, interpretation, termination, etc.
- ▶ HM Land Registry practice
- ▶ Options/rights of pre-emption
- ▶ Overage clauses
- ▶ Mortgages

General land disputes

- ▶ Rights of way, rights to light, water rights and profits
- ▶ Restrictive covenants
- ▶ Boundaries
- ▶ Party walls
- ▶ Adverse possession
- ▶ Proprietary estoppel
- ▶ Nuisance (including tree roots, flooding and subsidence)

Landlord and Tenant

- ▶ Principally commercial property but also agricultural and residential
- ▶ Lease construction
- ▶ Rent reviews
- ▶ Service charge disputes
- ▶ Dipalidations
- ▶ Break notices
- ▶ Assignments and sublettings
- ▶ 1954 Act renewals
- ▶ Forfeiture

John has written a book on Land Licences, (Jordans Publishing) in which Lord Neuberger of Abbotsbury writes the foreword. He is a contributor to the New Law Journal, a member of the Chancery Bar Association and Agricultural Law Association, and regularly tweets on property law, giving updates and news on cases, legislation,

regulation and market developments. Follow him on Twitter @sharples_john.

ToLATA

John is a very experienced adviser and advocate and has practised in the area of co-ownership claims for over 25 years.

The sort of work John has done includes the following:

- ▶ Co-ownership claims between co-habiting partners.
- ▶ Co-ownership claims involving third parties (typically parents) who contribute to the property's acquisition or improvement.
- ▶ John has particular expertise in third party interventions in divorce proceedings.
- ▶ Proprietary estoppel claims to a beneficial interest or other form of equity arising from promises made by owners.
- ▶ Claims for an account based on unequal contributions / expenditure following termination of the relationship.
- ▶ Orders for sale.

Wills & Trusts

John's particular specialisms in the area of wills and trusts include the following:

- ▶ Proprietary estoppel claims based on promises of current or future benefits including inheritances
- ▶ Family provision claims under the Inheritance Act
- ▶ Co-ownership and trusts of land
- ▶ The interpretation of wills and trusts
- ▶ Disputes arising out of the administration of estates and trusts
- ▶ Claims under Trusts of Land & Appointment of Trustees Act 1996
- ▶ Contentious probate

John understands the particular sensitivities involved in disputes in these areas.

Recent cases

- ▶ *Churston Golf Club v Haddock* [2018] EWHC 347
- ▶ *Food Convertors & Rothschild v Newell* [2018] EWHC 926 (Ch)
- ▶ *James & ors v Bron Afon Community Housing Ltd* LVT/0047/10/13)
- ▶ *Loveluck-Edwards v Ideal Developments Ltd & Dyke* [2012] EWHC 716 (Ch) [2012] EWHC 716 (Ch)
- ▶ *Winstone v Great Gate Management Company Ltd* (COA 24/5/12) (lawtel document LTL 24/5/12 EXTEMPORE)
- ▶ *Wheatley & Smith v King* [2011] EWLandRA 2011 0238
- ▶ *Westendorp & anor v Warwick* [2006] EWHC 915
- ▶ *Sweet v Sommer & Neanor* [2004] 4 All ER 288 cited in *Gale on Easements* (1st Supp 17th ed.)
- ▶ *Solon South West Housing Association Ltd v James* [2004] 155 NLJ 410
- ▶ *Gonthier v Orange Contract Scaffolding Ltd* [2003] EWCA Civ 873 cited in *Emmett on Title*
- ▶ *Southward v Banham* [2002] BPIR 1253

Recommendations

"Very easy-going, very accessible, very good to deal with and technically a super property lawyer, particularly in the field of landlord and tenant. 'He has that rare but precious combination of being able to offer outstanding advocacy skills and advice with superb client skills.' "

CHAMBERS UK, 2020
CHANCERY

"He combines a first-class brain with superb advocacy and client skills."

LEGAL 500, 2020
PROPERTY

"Very intellectually capable and well respected by judges. He is tenacious and puts up a good fight in court."

CHAMBERS UK, 2019
CHANCERY

"Pre-eminent junior with an outstanding reputation for his property disputes practice. 'Brilliant at property problems.' 'Well respected in his field and a very effective advocate.' 'Very bright and good to deal with.' "

CHAMBERS UK, 2019
REAL ESTATE LITIGATION

"He has a first-class mind."

LEGAL 500, 2019
PROPERTY

Professional memberships:

- ▶ Chancery Bar Association
- ▶ Agricultural Law Association
- ▶ Secretary of the Western Chancery & Commercial Bar Association

Qualifications & awards:

- ▶ BA (Oxon) 1st Class 1986
- ▶ LLM (Cantab) 1987
- ▶ LLM (University of Pennsylvania) 1988
- ▶ Thouron Scholar (University of Pennsylvania) 1987-8
- ▶ Attorney-at-Law New York State 1991
- ▶ Queen Mother's Scholar 1992
- ▶ Sachs Prize & Campbell-Foster Prize 1993 (all Middle Temple)

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