

WILSON HORNE

Year of call: 1992

Clerked by: Gary Young Gary Smith Harry Young

AREAS OF EXPERTISE:

Commercial Litigation Professional Negligence Real Estate
Litigation Technology and Construction



Technology and Construction

Wilson is a regular user of the TCC Court and Wilson Horne practices extensively in the area of construction law. It is often related to commercial property and development work. He has extensive experience of fraud in construction and engineering deals.

Wilson's work is split between the Chancery Division and the Technology and Construction Court. He has extensive experience of arbitration, expert determination, and the High Court challenges. He undertakes adjudications and their enforcement in the High Court.

Significant Reported Cases

Tinseltime Limited v Roberts and others [2011]B.L.R. 515 & [2011] EWHC 1199 (TCC)- an employer was not liable in nuisance or negligence for damage caused to a neighbouring company's machinery by dust resulting from a sub-contractor's cutting of concrete blocks since that activity could not be regarded as exceptionally dangerous whatever precautions were taken.

Lambert and others v Barratt Homes Ltd (Manchester Division) and another [2010] 33 EG 72 (Court of Appeal) & [2009] All ER (D) 27 (High Court) - water nuisance and breach of a landowner's measured duty of care.

Tomlinson v Wilson [2007] All ER (D) 17 - building contract, measure of damages and avoidance of loss in the light of the decision to demolish.

Profile

Wilson's practice includes property law, with a bias towards contentious commercial property and development law. Having practised in this field for many years, he has developed expertise in the related areas of construction, commercial fraud, planning and related statutory powers, and the enforcement of securities.

Wilson's commercial property work focuses on all types of contractual disputes, including options, promotion agreements and overage. Much of this work is dealt with by legal expert determination, arbitration, and the High Court challenges of these decisions. Many of these disputes have a heavy focus on planning, engineering, cost and valuation evidence.

He also deals with all types of title disputes and has a particular interest in agricultural disputes.

Wilson handles partnership disputes in his practice areas. In addition, he handles cases concerning trust claims and claims for equitable relief.

Wilson's construction work is closely allied to his property commercial work, and is a mixture of construction and other technical / engineering claims. He appears regularly in the Technology and Construction Court, arbitrations and adjudications.

Wilson handles a large quantity of professional claims. He handles claims in his practice areas, including claims against solicitors, surveyors, architects and other construction professionals.

Year of Call 1992

Areas of Expertise

Commercial Litigation

Wilson's work includes a significant amount of construction and engineering work, but he also deals with the enforcement of securities.

His work includes partnership disputes, including solicitors, surveyors, property developers, and joint ventures cases. He handles cases concerning trust claims and claims for equitable relief, and many of these claims are allied to his property work.

He deals with supply of goods and services cases in engineering, website and estate agent cases and handles claims under the Electricity Act, the Telecommunications Act, and the Estate Agents Act.

Significant Reported Cases

Property Edge Lettings Ltd, Saw (SW) 2010 Ltd and another v Wilson and others [2016] All ER (D) 118 – automatic crystallisation of a floating charge and whether the appointment of administrators was a nullity.

Campbell v Redstone Mortgages plc [2014] EWHC 3081 (Ch) – a mortgagee's duty as an involuntary bailee in relation to chattels left at a property. ICS Homes Limited v Allport [2014] EWCA Civ 620 – estoppel by convention concerning a conditional building licence.

Singh v Singh and Singh Bros Contractors [2013] EWHC 2138 – permission to continue a derivative claim and section 261 of the Companies Act 2006

Tomlinson v Wilson [2007] All ER (D) 17 – building contract, measure of damages and avoidance of loss in the light of the decision to demolish

Professional Negligence

Wilson's professional negligence work falls within his normal practice areas, with particular emphasis on:

- Solicitors (especially conveyancing and commercial transactions);
- Surveyors (including managing agents, valuation surveys and structural surveys); and
- Construction professionals (including structural engineers, contract administrators and quantity surveyors)

He acts for claimants as well as insured professionals, and deals with all aspects of insurance cover including its extent and its repudiation by insurers. He has extensive experience of mediation in this area of work.

Significant Reported Cases

Gladman Commercial Properties v FHP and others [2013] EWCA Civ 1466 – surveyors fraudulent misrepresentation and strike out.

Real Estate Litigation

Wilson's practice covers land and landlord and tenant law with a bias towards development work. He also deals with all related compulsory purchase, environmental (contamination), highways, nuisance and planning issues.

Wilson has extensive experience of all types of commercial property agreements, including overage and section 106 agreements. He also has extensive experience of agricultural and equine property disputes.

A significant proportion of his work is dealt with in arbitration and expert determination, and he is experienced in challenging these decisions. His clients include national developers, central and local government departments, national pub operators, diverse tenant operators and major land owners.

Significant Reported Cases

Rock Ferry Waterfront Trust and Rock Ferry Slipway Trust v Pennistone Holdings Ltd [2020] EWHC 3007 – dissolved companies, equitable interests, escheat, non-registration, possession and occupation.

Morris Homes Ltd and another v Chester West & Chester Council [2020] EWCA Civ 1516 – The court interpreted an agreement entered into between a local planning authority and a developer under the Town and Country Planning Act 1990 s.106, imposing obligations on the developer to contribute towards the local authority's affordable housing scheme. An expert determination on a dispute as to the inclusion of ground rents in calculating the contribution was binding on the parties.

Clochfaen Estate Ltd v Bryn Blaen Wind Farm Ltd and others [2019] EWHC 1562 – the enforcement of shooting rights in a development setting, and the assessment of negotiating damages.

Gladman Developments Limited v Sutton and others [2016] EWHC 1596 (Ch) – whether a binding promotion agreement had been entered into.

Walton Homes Limited v Staffordshire County Council [2014] 1 P & CR 137, appeal [2014] EWCA Civ 696 – challenge of expert determination, manifest error and the interpretation of an overage provision.

Nottinghamshire and City of Nottingham Fire Authority and another v Gladman Commercial Properties [2011] 18 EG 109 CS (High Court) – late

admission of witness evidence during a fraudulent misrepresentation trial.

Campbell-Bell v Enterprise Inns plc [2009] EWHC 2733 (QB) [2009] All ER (D) 50 - a rent review challenge concerning the arbitrator's choice of valuation approach.

O'Donoghue v Enterprise Inns plc [2008] All ER (D) 43 / [2009] 1 P & CR 14 - challenge of a rent review arbitration award and the loss of the right to object.

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Memberships

Chancery Bar Association

Northern Circuit Chancery Bar Association

Northern Circuit Commercial Bar Association

Agricultural Law Association

Recommendations

Chambers UK 2021

"He is very personable with the opponent, judge and witnesses. He has very good client-handling and court-handling skills." "An outstanding barrister - excellent advisory work and great in the courtroom."

Legal 500 2021

"Very sound on the law and also tenacious in court."

Legal 500 2020

"Very sound on the law and also tenacious in court."

Chambers UK 2020

"He is just outstanding - very clever, with good knowledge, and good with clients."

Chambers UK 2019

"Very good with clients. He is hands-on and down-to-earth in his manner. He is also very good at cross-examination and very good on his feet. He is a very bright barrister."

Legal 500 2019

"His forte lies in his pragmatic approach."

Chambers UK 2018

"An extremely good and combative advocate." "He's excellent to work with and robust in his advice. He's a very determined advocate who knows his stuff and gives you confidence that you're going the right way."

Legal 500 2018

"He has extensive legal knowledge."

Chambers UK 2017

"He is a tenacious advocate. His performance on his feet and his ability to deal with incredibly tense atmospheres in court are second to none."

Legal 500 2017

"A strategic thinker, who is client-friendly and enthusiastic."

Chambers UK 2016

"Provides no-nonsense commercial advice."

"Has a robust advocacy style and is extremely good on the client side."



Wilson Horne

