

# Landmark Chambers

## Barrister CV

Katie Helmore



### Contact us

[clerks@landmarkchambers.co.uk](mailto:clerks@landmarkchambers.co.uk)

+44 (0) 20 7430 1221



## Katie Helmore

Call: 2009

khelmore@landmarkchambers.co.uk

"She has an amazing knack of cutting through and really getting to the fundamental points that a client needs to hear and understand." "An excellent junior who always impresses our clients."



### Expertise

Property, Environment, Rating and Valuation

## Contact Practice Managers

### Mark Ball

020 7421 1308

mball@landmarkchambers.co.uk

### Harry Feldman

020 7421 2485

hfeldman@landmarkchambers.co.uk

### Connor McGilly

020 7421 1304

cmcgilly@landmarkchambers.co.uk

### Ruby Sims

020 7421 1337

rsims@landmarkchambers.co.uk

## Practice Summary

Katie is a specialist property litigator who is recognised for her commercial approach and versatile practice.

Katie has a successful and established property practice encompassing all aspects of commercial and residential property litigation and including complementary areas of planning, rating and valuation and environmental law.

Katie acts for a wide range of clients across the full spectrum of property litigation including individuals, large estates, developers, charities, local authorities, large commercial organisations, local authorities and retailers.

## Property

Katie is listed in Chambers and Partners as a leading junior. She is described as “An excellent junior who always impresses our clients” “technically a very good lawyer and a fighter as an advocate”

Katie has a successful and varied property practice covering all aspects of commercial and residential property litigation. As a specialist in both residential and commercial property litigation Katie is particularly well placed to advise on issues arising out of mixed use developments. Katie’s expertise in complementary areas of planning, rating and valuation and environmental law enables her to provide comprehensive and commercial advice in respect of development of land.

Katie is regularly instructed to advise on a wide range of real property matters including trespass, adverse possession, land registration, options and overage provisions. Some examples of which are set out below:

- Acting for landowners in numerous urgent possession hearings and injunctions in the High Court against travellers who are fly tipping vast amounts of waste parts of which are often contaminated or dangerous.
- Obtaining an urgent out of hours possession order from the High Court in respect of an extremely valuable commercial property where the trespassers had started a fire and a firearm was unaccounted for.
- Advising on the extent of a right of way over a railway bridge which had been constructed as an accommodation work.
- Advising on the beneficial interests of ex-partners in their former property.
- Advising a group of residents in an action concerning restrictive covenants where the main issue was proposed use of a residential property as a residential care home.
- Advising on whether a right to light had been acquired and if so whether it was enforceable in the context of a partially constructed development site.
- Advising a national housebuilder as to the construction of a restrictive covenant in the context of the potential acquisition of a development site.
- Acting as a junior to Philip Coppel KC in ***Cosmichome Ltd v Southampton City Council*** [2013] 1 W.L.R 2436 dealing with the scope of restrictive covenants and rights of pre-emption.
- Advising a freeholder as to whether a restrictive covenant purportedly made pursuant to section 106 TCPA 1990 was enforceable and the procedure for modification or discharge/
- Acting for a Parish Council in a long running dispute involving the ownership of mooring and mooring rights.
- Advising in respect of a claim for adverse possession of a vast area of open land on the basis of alleged grazing of horses.
- Appearing as a junior to David Elvin KC in a leading Court of Appeal decision concerning the assessment of compensation for an electricity wayleave: ***Arnold White Estates Ltd v National Grid Electricity Transmissions Plc*** [2004] EWCA Civ 216).

## Commercial Landlord and Tenant

Katie is listed in Chambers and Partners as a leading junior in real estate litigation. She is described as being “Responsive and a real team player with a strong commercial focus” “She provides strong commercial advice that cuts through legal issues to get to the nub of the matter.”

Katie has an established commercial landlord and tenant practice including forfeiture and relief, related insolvency issues, dilapidations, rent review, 1954 Act leases renewals and consents.

**Notable work:**

- Acting for the successful tenant against leading counsel in a 1954 Act lease renewal raising the important (and apparently untested) question of whether a lease renewal claim under the Landlord and Tenant Act 1954 needed to be registered as a pending land action at Land Registry in order to bind a successor in title to the landlord.
- Acting for the landlord against leading counsel in a highly contested forfeiture claim of a long commercial lease of a multi million pound property.
- Advising as to the prospects of a tenant obtaining relief from forfeiture in respect of a food outlet and the stage at which the landlord may look to advertise and subsequently re-let the premises.
- Acting for the landlord in a complicated opposed lease renewal and forfeiture proceedings.
- Defending a claim brought by a former tenant to re-enter commercial premises in reliance on a potentially fraudulent lease.
- A claim for interpretation and rectification of commercial leases where several parties were successors in title.
- Appearing as a junior to Katharine Holland KC) in a five day High Court Trial concerning drainage rights and forfeiture: ***General Motors UK Ltd v Manchester Ship Canal Co Ltd*** [2016] EWHC 2960 (Ch).
- Advising a large retailer tenant on the reasonableness of the landlord's refusal of consent to assign where there were issues around the relative covenant strength of the proposed assignee.
- Acting for a freeholder resisting an application for relief from forfeiture from a purported sub tenant where exclusive possession was unclear and may in any event have been referable to some form of business arrangement.
- Acting for the tenant resisting permission to forfeit a long lease for alleged disrepair pursuant to the Leasehold Property (Repairs) Act 1938 in the context of an unusually worded lease with no express user clause.

## Leasehold Enfranchisement and Right to Manage

### Leasehold Enfranchisement and Rights of First

Katie has extensive experience of all aspects of enfranchisement and regularly advises, appears in cases and gives talks on:

- Whether a property amounts to a "house" for the purposes of the Leasehold Reform Act 1967.
- Whether premises qualify for the Leasehold Reform Housing and Urban Development Act 1993 including whether they are a flat, the extent of common parts and the percentage of 'non-residential' internal areas.
- Drafting of notices particularly where there is an unusual layout, issues around appurtenant property or other complications.
- Terms of acquisition.
- Often complicated valuation issues under both the 1967 and the 1993 Acts.
- Validity of notices.

## Residential Tenancies

Katie is listed in Chambers and Partners as a leading junior in real estate litigation. She is described as "Brilliant. She knows how to manage clients' problems."

Katie regularly appears in trials and appeals and advises on residential landlord and tenant issues including service charge disputes, breaches of covenant, unlawful assignments, and interpretation of covenants.

Katie has also appeared in numerous possession claims concerning, AST's, licenses, Rent Act tenancies and long leases encompassing issues such as tenancy deposit schemes, determination of breach, forfeiture and relief from forfeiture and counterclaims for disrepair and other breaches of covenant.

Notable work includes:

- Appearing for the successful landlord in a 3 day Rent Act possession claim on the basis of hoarding.
- Advising on complicated succession issues in a Rent Act possession case involving both transmission rules and statutory succession.
- Advising and drafting in respect of water ingress and claims in nuisance and negligence at a large mixed use property.
- Acting for the freeholder in obtaining a possession order for a long residential lease on the grounds of disrepair including multiple applications for relief.
- Acting for a long residential lessee resisting a determination of a breach of lease in respect of alterations carried out without consent.
- Resisting the appointment of a manager pursuant to the Landlord and Tenant Act 1987.
- Numerous hearings in the FTT (Property Chamber) challenging or making applications under s.27A of the LTA 1985 for a determination of the reasonableness of service charges and under s.20ZA for dispensation with consultation requirements.
- Acting in a contested order for sale of a family freehold and leasehold interest which also involved the statutory requirements for houses in multiple occupation.
- Advising on the application of Tenants' Right of First Refusal to disposals of part of a mixed use property.

## Protestor Injunctions

Katie has extensive experience of urgent injunctions and civil trespass claims including:

- Student protests involving human rights issues in particular the qualified rights of assembly and free speech including being led by Katharine Holland KC in ***School of Oriental and African Studies v Persons Unknown*** [2010] 49 E.G 78.
- Many claims in the High Court seeking urgent possession orders against protesting trespassers.

## Environment

Katie's environmental practice is property related and includes nuisance, contaminated land, waste and flooding. She has a particular interest in cases involving the interplay between property and environmental law such as nuisance and the relationship between permitting regimes and leasehold covenants.

Katie has particular experience of nuisance cases including:

- Appearing for the Defendant in a leading 5 week environmental nuisance group litigation case (***Anslow v Norton Aluminium Ltd*** [2012] EWHC 2610) concerning issues of noise, dust odour and remedies. As well as being instructed as a junior to Katharine Holland KC, Katie conducted cross examination of a large number of the lead Claimants and their supporting witnesses.
- Acting for the successful Parish Council in an unusual private prosecution brought by a local resident under the Environmental Protection Act 1990 for statutory noise nuisance arising from the use of a playground.
- Acting for a group of residents bringing a claim for private nuisance in respect of odour, noise by-products and highways and various public nuisances.
- Advising landowners of their responsibilities and potential liabilities in nuisance in respect of drainage and pipes..

Katie also has experience in relation to electricity wayleaves and associated compulsory purchase including:

- Acting as a junior to David Elvin KC in a leading Court of Appeal decision concerning the assessment of compensation for an electricity wayleave: ***Arnold White Estates Ltd v National Grid Electricity Transmissions Plc*** [2004] EWCA Civ 216).

## Rating and Valuation

Katie acts for a range of clients on rating matters including cases raising issues such as the state of repair of the property and the valuation effect of incentives in leases. Katie has a particular interest in and experience of rating cases which raise property issues such as the relative responsibilities for landlord and tenants and the potential impact on rates of a termination of a lease.

## Qualifications

- LLB European (Hons first class) from the University of Exeter
- Master en Droit Européen (first class) from the University of Rennes in 2008
- Bar Vocational Course (outstanding) at BPP in 2009

## Recommendations

"Katie is technically a very good lawyer and a fighter as an advocate. Also, clients feel like she is a safe pair of hands."

#### **Real Estate Litigation, Chambers and Partners, 2023**

"She has an amazing knack of cutting through and really getting to the fundamental points that a client needs to hear and understand." "Her advice was technically detailed with a layer of commerciality." "An excellent junior who always impresses our clients."

#### **Real Estate Litigation, Chambers and Partners, 2022**

"Responsive and a real team player with a strong commercial focus." "An excellent junior who always impresses our clients."

#### **Real Estate Litigation, Chambers and Partners, 2021**

"She is very personable, thorough and commercially minded."

#### **Real Estate Litigation, Chambers and Partners, 2020**

"She provides strong commercial advice that cuts through legal issues to get to the nub of the matter." "A very able, bright junior."

#### **Chambers and Partners, 2018**

"She is very personable, thorough and commercially minded" and "provides strong commercial advice that cuts through legal issues to get to the nub of the matter."

#### **Chambers and Partners**

"Very proactive, efficient, capable and good on her feet."

#### **Legal Directories**

"Very much a junior of choice."

#### **Legal Directories**

"She works very hard and uncovers every point."

#### **Legal Directories**

"A very able, bright junior."

#### **Legal Directories**

"She's brilliant; she's very robust and very commercial which always impresses my clients."

#### **Legal Directories**

"Brilliant. She knows how to manage clients' problems."

#### **Legal Directories**

"She supports the case very well. She is easy to get on with and bright."

## Cases and inquiries

29 05 18	Columbia House Properties (No3) Ltd v Imperial Hall RTM Company Limited [2014] UKUT 0030 (LC)
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03 03 14	Arnold White Estates Ltd v National Grid Electricity Transmissions Plc [2014] EWCA Civ 216
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23 05 13	Cosmichome Ltd v Southampton City Council [2013] 1 W.L.R 2436
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28 09 12	Anslow v Norton Aluminium Ltd [2012] EWHC 2610
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25 11 10	School of Oriental and African Studies v Persons Unknown [2010] 49 E.G 78
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