



Katrina Yates

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Expertise

Planning, Property

Overview

Katrina has been recognised in the legal directories as a leading Property and Chancery junior. She also has expertise in complementary areas of Planning Law.

She was called to the Bar in 2006 by Lincoln's Inn and undertook pupillage at Landmark Chambers, before taking-up tenancy in 2007. She is a member of the Property Bar Association and the Chancery Bar Association.

During her career at Landmark, Katrina has developed extensive breadth and depth of written and oral advocacy experience in the Senior Courts, including in the Supreme Court, the Court of Appeal, the High Court (Business and Property Court and the Queen's Bench Division, Administrative Court) and the Senior Courts Costs Office; and also in the County Court, the First-Tier Tribunal, the Upper Tribunal, the magistrates' courts, the Crown Court, and at public hearings and inquiries. Her experience ranges from appearing in all manner of procedural applications and permission hearings, to trials, substantive hearings and appeals. She also has experience of mediations in high-value commercial property disputes.

Katrina has quickly adapted to the professional challenges brought about by the pandemic and she was one of the first members of Chambers to successfully attend a substantive High Court hearing held via Skype.

Since September 2020, Katrina has been appointed to the Attorney General's prestigious 'A' Panel of Counsel, having previously served on the 'B' Panel for five years, and on the 'C' Panel for four years before that. In late 2011, she also spent three months working on secondment to the Solicitor-General of New Zealand, in the Natural Resources division of the Crown Law Office (as a Pegasus Trust Scholar). She sat on the University of Bristol's Law School Advisory Board between 2013 and 2016 and is a guest LLB land law lecturer.

Other Interests

Katrina is a lyric-spinto operatic soprano and sings whenever she has the chance. She enjoys learning languages and wishes she spoke more than a smattering of French and Hebrew. Before the pandemic she loved travelling the world, going to the gym, and dining out, and she hopes to be able to resume these activities in earnest soon.

Property Law

Katrina specialises in providing advice and representation in a wide variety of Property and Chancery disputes, including:

- Land registration (including referrals to the First-Tier Tribunal, alteration, rectification, indemnity and judicial review). She regularly advises and represents the Chief Land Registrar on all aspects of his duties, powers and liabilities under the Land Registration Act 2002.
- Conveyancing (including misrepresentation and forfeiture of deposits).
- Commercial landlord and tenant (including forfeiture, breaches of covenant, break clauses, the renewal of business tenancies and dilapidations).
- Residential landlord and tenant (including disrepair and possession claims).
- Professional negligence arising from conveyancing and dispositions of registered land.
- Real property disputes (including those concerning nuisance, easements, determinable fee simples, rentcharges, covenants, boundary disputes, adverse possession, proprietary estoppel, mortgages and charges). She is experienced in advising mortgagees on the means of perfecting their title to registered land, securing equitable interests under unregistered charges, and on equitable remedies for recovering funds treated fraudulently and/or in breach of trust (including tracing, proprietary claims, knowing receipt and subrogation).
- Trusts of land (including claims to beneficial interests in property, claims under the Trusts of Land and Appointment of Trustees Act 1996 and orders for sale).
- Property disputes in which planning law issues arise.

She has appeared in myriad property-related applications and trials over the years. She also has experience of dealing with the costs implications of property litigation, through appearing at detailed assessments in the Senior Court Costs Office.

Recent and notable cases include:

- *R (HCP Hendon Ltd) v Chief Land Registrar* [2020] EWHC 1278 (Admin): successfully represented the Chief Land Registrar in a judicial review of his decision to register a new lease as a concurrent lease. An appeal to the Court of Appeal is pending.
- *Coventry Parkside Development Ltd v Uninn Parkside Development Ltd* (Claim No. PT-2020-000075), in the High Court of Justice, Business and Property Court: acted for the Defendant in an application for an injunction to restrain an airspace trespass caused by a crane oversailing land adjacent to a development site.
- *Secretary of State for Housing, Communities, and Local Government (acting by the DVSA) v Persons Unknown entering or remaining, with or without vehicles, on the land and buildings at the Large Goods Vehicle Test Centre, 33 Brancroft Way, Enfield, Greater London, without the consent of the Claimant*, in the High Court of Justice, Business and Property

Courts in Bristol, 21 August 2019: successfully represented the Secretary of State on the first occasion in history when the High Court in Bristol made a *quia timet* injunction against Persons Unknown, to prevent future trespasses by large groups of travellers, who had repeatedly broken into a DVSA testing centre and perpetrated over £1million of damage.

- *R (Atobatele) v Chief Land Registrar* CO/2512/2019, in the High Court of Justice (Administrative Court), 25 September 2019, before Ms Margaret Obi: successfully acted for the Registrar in the judicial review of a decision to reject an objection and a counter-notice to an adverse possession application, on the basis that the applicant could not prove to be the administrator *ad colligenda bona* of the deceased registered proprietor.
- *Higginson v The Trustees of the Susannah Carter Millennium Trust and Irving Carter* (Claim No. E03CL20), in the County Court at Central London, before HH Judge Wulwik, 14 June 2019: Dilapidations claim. Successfully acted for the Defendants at a hearing concerning an interim application for relief from sanctions.
- *Oriol Bowden v Chief Land Registrar* (Claim No. BL-2019-001066), in the High Court of Justice, Business and Property Court, Chancery, before Mann J, 12 June 2019: extricated the defendant Registrar from a rectification claim related to a right of way dispute.
- *Halfords Ltd v Turret Property Investments Ltd* (Claim No. C01BS690), in the County Court at Sheffield, 20 & 21 March 2019: successfully represented Halfords at a trial of its business lease renewal claim, in which, rarely, the rent was contested and determined by the Court.
- *Antoine v Barclays Bank UK Plc & Chief Land Registrar* [2018] EWCA Civ 2846 [2018] EWHC 395 (Ch): successfully defended the Chief Land Registrar in the High Court and in the Court of Appeal in relation to a claim for rectification of the registrar, following the setting aside of a court order that had been obtained by fraud. See the case comment here.
- *Gumbs v (1) Popat (2) Popat (3) B M Samuels Finance Group Plc (4) Chief Land Registrar (5) NRAM Ltd* (Claim No. C10CL043): successfully defended the Chief Land Registrar at a 5 day property fraud trial, arising from a rectification and indemnity claim. See the case comment here.
- *Appleyard & Appleyard v Gunn & Madron* (REF/2017/0521), in the First-tier Tribunal (Property Chamber) (Land Registration), sitting at the County Court at Bodmin: successfully acted for the applicant at a three day trial of an adverse possession dispute.
- *Flowers v Chief Land Registrar & Thorpe Estate Ltd* (UT/2017/0049), Upper Tribunal (Tax and Chancery Chamber), 17 April 2018, before Morgan J: on behalf of the Registrar, successfully resisted an appeal against a decision to decline jurisdiction in an equitable rectification application.
- *Blackburn with Darwen Borough Council v Waghatai* (REC/2016/0026), First-tier Tribunal, 6 November 2017, before Professor Robert Abbey: successfully acted for the claimant in this trial of a claim for equitable rectification of a transfer of land, to remove of a large piece of land in use for public purposes that had been erroneously included in the transfer.
- *Highways England Ltd v Dale* (Claim No. C00NRA443, County Court at Cambridge, 2016): successfully represented Highways England at the trial of complex possession proceedings against an individual claiming adverse possession of part of the A11 highway verge (instructed by Veale Wasbrough Vizards LLP, 2015 - 2016).
- *R (Best) v Chief Land Registrar* [2016] QB 23 (CA), [2014] 3 All ER 63 (QB): landmark Court of Appeal case testing the novel question of whether an application purportedly made pursuant to paragraph 1 of Schedule 6 to the Land Registration Act 2002 for a person to be registered as the proprietor of a registered estate in land by adverse possession is valid, where the possession on which the applicant relies to establish his claim constitutes the criminal offence of squatting in a residential building, under s. 144 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (Junior to Jonathan Karas QC, instructed by the Treasury Solicitor on behalf of the Chief Land Registrar, 2013 - 2015).

For details of further notable cases, please see the relevant tab.

Planning Law

Having appeared at numerous planning inquiries and hearings in her own right since her early years in practice and beyond, Katrina has a wide range of experience in planning work. Her expertise includes:

- Advising and representing local authorities and the Secretary of State in judicial reviews and statutory challenges in the High Court, particularly under sections 288 and 289 of the Town and Country Planning Act 1990, and thereafter on appeal to the Court of Appeal.
- Appearing at public hearings and inquiries, including in respect of enforcement action, care homes, housing land supply and gypsy pitches. She particularly specialises in scientifically technical public safety cases involving the Health and Safety Executive.

- Appearing in, and advising on, property cases in which planning issues arise.

Recent and notable cases include:

- *Re: Thornton Science Park* (2019 – 2020): led by David Forsdick QC, successfully acted for the Health and Safety Executive at the most significant public health-related planning inquiry since the famous *Brit Oval* (2009) and *Ram Brewery* (2010) appeals, which concerned the compatibility of introducing a university faculty adjacent to the vast Stanlow Oil Refinery, which processes 20,000 tonnes of crude oil per minute.
- *Carroll v Secretary of State for Communities and Local Government* [2018] JPL 194 (CA): successfully acted for the Secretary of State, the second appellant, defending a challenge to the grant of planning permission for the change of use from B8 to C3 to the owner/developer of the famous red and white striped house in Kensington. Paul Brown QC represented the first appellant. For a digest of the case, [click here](#). For an article in The Times newspaper, [click here](#).
- *Thorpe-Smith v Secretary of State for Communities and Local Government* [2017] EWHC 356 (Admin): successfully defended the Secretary of State in this challenge under s. 288, which concerned a site in an Area of Outstanding Natural Beauty, and was based on the inspector's alleged material unfairness against the appellant and his treatment of NPPF/14. The case is digested at [2017] JPL 74.
- *Silvertown Tunnel Order 2018*: represented the Health and Safety Executive at the public examination for this Development Consent Order.
- *Re: Burford Road, Witney, Oxfordshire* (2016): s. 78 appeal in relation to a proposed housing development of 270 dwellings in the vicinity of a liquefied petroleum gas plant. Represented the Health and Safety Executive at a two week inquiry, whose advice the inspector accepted in her report and the Secretary of State accepted in his decision.
- *Canti v Lomax & Secretary of State for Communities and Local Government* (Claim No. 2BS30359, High Court at Bristol, before HH Judge McCahill QC, 2013): Claim for breach of an overage agreement, involving a collateral challenge to a planning decision by the Secretary of State. Midway through the trial, I successfully applied to strike out the claim as against the Secretary of State, and obtained an order for costs (including, in part, on the indemnity basis).

For details of further notable cases and inquiries, please see the relevant tabs.

Qualifications

Academic

BA (Hons) English: First Class
Hertford College, Oxford (2003)

MA (Hons) Law: Distinction
University of Bristol (2005)
Two year fast-track LLB, with postgraduate research

Professional

Bar Vocational Course: Outstanding
BPP Professional Education Law School (2006)
Katrina was graded Outstanding in an exceptional 10 out of 13 papers, and was the highest scoring BPP student of Lincoln's Inn in her year

Lincoln's Inn Scholarships

Sir Robert Megarry
Lord Denning
Lord Bowen
Hardwicke Entrance Award

Recommendations

In **Chambers and Partners 2021** Katrina is ranked in Real Estate Litigation. She is also ranked as a Leading Junior for Property Litigation in the **Legal 500 2021**.

Solicitors have reviewed her work as follows:

"She is a superbrain, really fights clients corners and is great fun to work with."

(Legal 500, 2021)

“Commercial with great attention to detail.” “Hard-working and user-friendly, and a strong advocate.” “Excellent to work with and very approachable. She is forceful when necessary, but also pragmatic.”

(Chambers and Partners, 2021)

“She has an eye for detail that is second to none”

(Legal 500, 2020)

“She is measured, firm and takes control of the situation... she identifies issues very quickly [and] provides clear and practical advice”

(Chambers and Partners, 2020)

“Brilliant, incredibly practical and very responsive.”

“Great to work with and clearly relishes a challenge.”

(Chambers and Partners 2019)

“Just the type of character you want in your corner, her advice is clear and punchy”

(Legal 500 2019)

“Witheringly bright, extremely determined, and very good on her feet.”

“Very punchy, very bright, and very easy to work with.”

(Chambers and Partners 2018)

“An excellent junior and one to have on your side in a fight.”

(Legal 500 2018)

“A rising star and a real talent who understands her clients’ commercial objectives”

(Legal 500 2014-2015)

“Great on her feet and also commercial and responsive”

(Chambers and Partners 2015)

“Very down to earth and sensible... The client loved her [and] was really impressed”

(Chambers and Partners 2014)

“Calm and thorough when dealing with both clients and papers”

(Chambers and Partners 2013)

“Outstanding for her tender years... thorough on paper and really feisty in court”

(Chambers and Partners 2012)

Publications

Lectures and Seminars

‘Reasons to be Rational: public law principles in contractual discretion cases’ (Mischon de Reya LLP, real estate in-house training seminar, January 2020).

‘Forfeiture: Nuts and Bolts’ (Landmark Chambers Seminar, 2019).

‘Landlord’s Consents: a Brief Guide’ (Freeths LLP, in-house seminar, 2018).

‘The Top Three Property Cases from 2017’ (Veale Wasbrough LLP, in-house seminar, 2018).

‘Adverse Possession and Land Registration workshop’ (Landmark Chambers Real Property Conference, 2017).

‘Unopposed Lease Renewals under the Landlord and Tenant Act 1954: the ‘other terms’, procedure and tactics’ (Landmark Seminar, 2016).

‘Adverse Possession: crime and punishment, or crime and reward?’ (LLB lecture, University of Bristol, 2015).

Beginners’ Guide to Forfeiture (Landmark Seminar, 2014).

Land Registration: a practitioner’s perspective (LLB lecture, University of Bristol, 2013).

Long Leases: Forfeiture and other Modes of Determination: the Nuts and Bolts (Landmark Seminars, 2013 and 2011).

Indemnities for Costs under Schedule 8 to the Land Registration Act 2002: the Basis of Assessment (in-house training at HM Land Registry, 2012).

Gypsies and Planning: Where Are We Going? Recent Enforcement Cases (Landmark Seminar, 2010).

A Practical Guide to Enforcing the Mortgagee's Security: warrants of possession and problems with third parties (Landmark Seminar, 2009).

Books and Articles

Regular contributor to the *Civil Court Service* (aka "the Brown Book").

Contributor to the nuisance chapter in Wooley et al, *Environmental Law* (Oxford University Press, 2nd edition).

'Appealing the Discretionary Grant or Refusal of Relief in Judicial Review Proceedings' (*Judicial Review: A Quarterly Journal*, [2009] JR 129).

Researcher to Professor Michael Furmston, *Cheshire, Fifoot and Furmston's Law of Contract* (Oxford University Press, 15th edition).

A rising star and a real talent

Legal 500

Cases

20 May 2020	R (HCP Hendon Ltd) v Chief Land Registrar [2020] EWHC 1278 (Admin)
13 Feb 2020	Coventry Parkside Development Ltd v Uninn Parkside Development Ltd (Claim No. PT-2020-000075), in the High Court of Justice, Business and Property Court
25 Sep 2019	R (Atobatele) v Chief Land Registrar CO/2512/2019, in the High Court of Justice (Administrative Court), before Ms Margaret Obi
21 Aug 2019	Secretary of State for Housing, Communities, and Local Government (acting by the DVSA) v Persons Unknown entering or remaining, with or without vehicles, on the land and buildings at the Large Goods Vehicle Test Centre, 33 Brancroft Way, Enfield, Greater London, without the consent of the Claimant (High Court of Justice, Business and Property Courts in Bristol)
14 Jun 2019	Higginson v The Trustees of the Susannah Carter Millennium Trust and Irving Carter (Claim No. E03CL20), in the County Court at Central London, before HH Judge Wulwik
12 Jun 2019	Oriol Bowden v Chief Land Registrar (Claim No. BL-2019-001066), in the High Court of Justice, Business and Property Court, Chancery, before Mann J
20 Mar 2019	Halfords Ltd v Turret Property Investments Ltd (Claim No. C01BS690), in the County Court at Sheffield
10 Sep 2018	Appleyard & Appleyard v Gunn & Madron (REF/2017/0521), in the First-tier Tribunal (Property Chamber) (Land Registration), sitting at the County Court at Bodmin
17 Apr 2018	Flowers v Chief Land Registrar & Thorpe Estate Ltd (UT/2017/0049), Upper Tribunal (Tax and Chancery Chamber), before Morgan J

10 Nov 2017	Ul Haq v (1) Lester Dominic Solicitors (2) Khan (3) Attarian (4) Nijjar (5) Chief Land Registrar (6) Bank of Scotland Plc (7) Rees Page Solicitors (Claim No. HC-2017-000642)
06 Nov 2017	Blackburn with Darwen Borough Council v Waghat (REC/2016/0026), First-tier Tribunal, before Professor Robert Abbey
08 Sep 2017	Carroll v Secretary of State for Communities and Local Government [2017] EWCA Civ 1315
08 Sep 2017	Carroll v Secretary of State for Communities and Local Government [2018] JPL 194 (CA)
16 Jun 2017	Gumbs v (1) Popat (2) Popat (3) B M Samuels Finance Group Plc (4) Chief Land Registrar (5) NRAM Ltd (Claim No. C10CL043)
19 May 2017	Co-Operative Food Stores Ltd v Sainsbury's Supermarket Ltd (County Court at Basildon, Claim No. B00BQ702, 2017)
14 Feb 2017	Thorpe-Smith v Secretary of State for Communities and Local Government [2017] EWHC 356 (Admin)
03 Jan 2017	Ashburton Trading Ltd v Cinar (County Court at Clerkenwell, Claim No. C02EC912. 2017)
12 Oct 2016	Antoine v Barclays Bank UK Plc & Chief Land Registrar [2018] EWCA Civ 2846 [2018] EWHC 395 (Ch)
26 May 2016	Highways England Ltd v Dale (Claim No. C00NRA443, County Court at Cambridge, 2016)
20 Apr 2015	Ameen Adam v Salim Adam (Ref/2014/0069, in the First-Tier Tribunal, 2015)
05 Dec 2014	Glasgow City Council v Savage (Claim No. HC-2014-00136, High Court, Chancery Division, 2014)
02 Dec 2014	Hamilton v Chief Land Registrar (Claim No. A30LV046, High Court, Chancery Division, Liverpool District Registry, 2014)
19 Nov 2014	R (Best) v Chief Land Registrar [2016] QB 23 (CA), [2014] 3 All ER 63 (QB)
12 Jun 2014	Co-operative Travel Ltd v Bainbridge (Claim No. 1MA02123, County Court at Manchester, 2014)
16 May 2014	Friars Bridge Court Ltd v The Secretary of State (Claim No. HT13-33, TCC, 2014)
06 May 2014	National Westminster Bank Plc v Sackville SPF IV Property Nominee Ltd (Claim No. 3KT00296, County Court at Central London, 2014)
18 Sep 2013	Canti v Lomax & Secretary of State for Communities and Local Government (Claim No. 2BS30359, High Court at Bristol, before HH Judge McCahill QC, 2013)
25 Jun 2013	Cash v Secretary of State for Communities and Local Government [2013] EWHC 2028 (Admin), before John Howell QC, sitting as a Deputy Judge of the High Court
01 Feb 2013	Can Say v Land Securities Group Plc (Claim No. 8NN04679, High Court, Queen's Bench Division, 2013)
18 Jan 2013	Roland Gift v Stephen Diggle & Philip Diggle (Claim No. 2CL10441, County Court at Central London, 2013)

Inquiries

11 Dec 2019	Re: Thornton Science Park (2019 - 2020)
18 Jan 2017	Re: Silvertown Tunnel (2016 - 2017)

15 Jan 2016	Re: Burford Road, Witney, Oxfordshire (2016)
18 Nov 2015	Re: Land South of Court Lodge Road, Harrietsham (2015)
19 Nov 2013	Re: Land at Russell Ride Estate, Cheshunt (2014)

Publications

05 Jul 2021	"Bridging the Gap": More Planning Pointers for Property Practitioners - webinar
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