



Katie Helmore

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Expertise

Property, Planning, Environment, Rating and Valuation, Leasehold Enfranchisement

Overview

Katie Helmore is recognised for her versatile and established property practice encompassing all aspects of property litigation including injunctions, commercial and residential landlord and tenant, enfranchisement, rating, telecommunications and complementary areas of environmental and planning law. She was called to the bar in 2009 and is often instructed on claims where there is a crossover between planning, environmental and property such as nuisance, flooding, assets of community value and fly tipping.

Katie is ranked in Chambers & Partners which says, “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”.

Other directory references have included:

- “Very proactive, efficient, capable and good on her feet.”
- “Very much a junior of choice”
- “She works very hard and uncovers every point’
- “A very able, bright junior.”
- “She’s brilliant; she’s very robust and very commercial which always impresses my clients.”
- “Brilliant. She knows how to manage clients’ problems.”
- “She supports the case very well. She is easy to get on with and bright.”

Katie has extensive experience of urgent injunctions and civil trespass claims including aviation relation injunctions, student protests, (led by Katharine Holland QC) (*School of Oriental and African Studies v Persons Unknown* [2010] 49 E.G 78) and other protests. Katie regularly acts for landowners on urgent trespasser and protester injunctions and possession claims often relating to high profile and high value commercial properties in central London including those raising human rights issues, travellers, fly tipping and raves.

Katie is regularly instructed in relation to all aspects of the Electronic Communications Code including advising on complicated and untested issues concerning sharing, valuation and the interrelation with both the Landlord and Tenant Act 1954 and tenancies at will.

Katie regularly advises and litigates both enfranchisement and service charge claims often involving difficult points of valuation, terms of acquisition, validity of notices and the applicability of the Leasehold Reform Act 1976 or the Leasehold Reform Housing and Development Act 1993.

Katie recently acted for the successful tenant against leading counsel in a commercial 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.

Property

Katie recently appeared (as a junior to Katharine Holland QC) 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)

She has particular experience in multi claimant 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). As well as being instructed as a junior to Katharine Holland QC, Katie conducted cross examination of a large number of the lead Claimants and their supporting witnesses. Katie also acted for the successful Parish Council in a private prosecution under the Environmental Protection Act 1990 for statutory noise nuisance arising from the use of a playground brought by a local resident.

Katie acted (as junior to Philip Coppel QC) for the Defendant in a high court trial dealing with rights of pre-emption, restrictive covenants and perpetuities (*Cosmichome Ltd v Southampton City Council* [2013] 1 W.L.R 2436) and appeared (as a junior to Katharine Holland QC) in an 8 day trial involving issues of forfeiture, breach of covenant for quiet enjoyment, derogation from grant, non reliance clauses, nuisance, breach of contract, misrepresentation, rescission, affirmation and rectification

She accepts instructions to advise and draft on all aspects of real property matters and landlord and tenant disputes including commercial and residential landlord and tenant, service charges, disrepair, tenancy deposit schemes, assignment of leases, enfranchisement, easements, restrictive covenants, rent review land registration and nuisance,

Katie regularly appears in both residential and commercial possession actions including cases under the Mobile Homes Act 1984, trespass, forfeiture, service charges, lease renewals, Rent Act claims and mortgage proceedings. She is often instructed in respect of complicated residential possession claims relating to high value properties.

She has also given a joint talk to a CBA seminar on competition law and covenants.

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.

Katie delivered a joint paper with Jacqueline Lean at the Landmark Chambers' Annual Rating Conferences in 2016 and is due to present a talk on 'Non-Domestic rate: a beginners guide hot topic/ key recent cases.'

She also regularly advises on commercial rent review including the interpretation of rent review clauses, the effect of any specific assumptions or disregards and the basis of the valuation.

Planning and Environment

Katie has broad experience in many areas of planning and environmental law and has particular experience in cases which involve aspects of both property and planning and environmental law such as nuisance claims, highways, flooding and fly tipping.

Katie also has experience of compulsory purchase and appeared as a junior to David Elvin QC in a leading Court of Appeal decision concerning the assessment of compensation for an electricity wayleave including loss of value of a contract for the sale of land in respect of which a condition of completion could not be met due to the grant of a wayleave (*Arnold White Estates Ltd v National Grid Electricity Transmissions Plc* [2004] EWCA Civ 216)

She also undertakes advisory work on a wide range of topics within this area including Assets of Community Value.

Leasehold Enfranchisement and Rights of First Refusal

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
- What amounts to a "flat" for the purposes of the Lease hold Reform Housing and Urban Development Act 1993;
- Whether premises qualify for collective enfranchisement and what (if any) additional property may be included;
- Terms of acquisition;
- Often complicated valuation issues under both the 1967 and the 1993 Acts
- Validity of notices; and
- Right to Manage: (*Columbia House Properties (No3) Ltd v Imperial Hall RTM Company Limited* [2014] UKUT 0030 (LC)).

Katie regularly advises on issues arising under the Landlord and Tenant Act 1987, including whether s5 Notices have to be served, the impact on mixed use developments and enforcement against purchasers.

Qualifications

Katie graduated with an LLB European (Hons first class) from the University of Exeter and a Master en Droit Européen (first class) from the University of Rennes in 2008. Katie was awarded the AP Langlois Prize, the prize for French and German Law and the Paul Heim Prize in 2008.

Katie completed the Bar Vocational Course (outstanding) at BPP in 2009. She received the Lincoln's Inn Lord Denning and Harwicke scholarships during her BVC year and a pupillage scholarship.

Katie is a member of the Property Bar Association. She is also an ADR group accredited mediator.

Recommendations

"Responsive and a real team player with a strong commercial focus." "An excellent junior who always impresses our clients." *Chambers & Partners, 2021*

"She provides strong commercial advice that cuts through legal issues to get to the nub of the matter." "A very able, bright junior." *Chambers & Partners, 2018*

"She's brilliant; she's very robust and very commercial which always impresses my clients." "Brilliant. She knows how to manage clients' problems." *Chambers & Partners, 2017*

"She supports the case very well. She is easy to get on with and bright." *Chambers & Partners*, 2016

Provides strong commercial advice that cuts through legal issues

Chambers & Partners

Cases

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

Publications

07 Jul 2020	Property in Quarantine - Part 2: Mixed-Use Headaches and Hurdles
18 Jun 2019	Leaseholder Enfranchisement - What Is A Flat?
26 Apr 2017	Rating: Recent cases/trends (paper)
26 Apr 2017	Rating: Recent cases/trends
27 Feb 2017	Non - Domestic Rates - A Beginners Guide Hot Topics & Key Recent Cases
27 Apr 2016	Recent Cases/Trends in Rating
09 Nov 2015	Collective Enfranchisement: Agreeing or determining terms of acquisition
07 Oct 2013	Summary of the New Rules and Transitional Provisions
17 Apr 2013	Residential Possession Practice and Procedure
20 Sep 2011	Nuts & Bolts - Assured Shorthold Tenancies: practice & procedure
08 Nov 2010	Land Agreements - Know your competition