

Charles Auld

Barrister



YEAR OF CALL: 1980

“ Charles is very bright and very practical and pragmatic. He is pretty calm under pressure and good at finding practical solutions. He is knowledgeable in the law, but also has a pragmatic approach to cases.”
CHAMBERS UK, 2022
CHANCERY

Practice Overview

Charles has specialised in land-related matters for over 30 years. He has great experience of boundary litigation, restrictive covenants, easements and public rights of way. He regularly appears in Court; in the First-tier Tribunal (especially on land registration issues) and before the Upper Tribunal on applications relating to restrictive covenants. He has also appeared in the Court of Appeal on a number of occasions in land-related disputes.

Charles's practice includes all aspects of landlord and tenant law, both commercial and residential, and also mobile home parks.

He remains familiar with some of the less well-known areas of law, such as the workings of the Settled Land Act 1925 or tenancies protected by the Rent Act 1977.

Additionally, Charles holds a Private Pilot's Licence and he has advised commercial and private pilots who have needed assistance in their dealings with the Civil Aviation Authority (in respect of both licensing and aircraft maintenance issues).

Charles writes on legal topics, with articles published in the Conveyancer on the First-tier Tribunal and in the New Law Journal on the temporary closure of highways.

Areas of Expertise

Real Estate

Charles has considerable experience dealing with real estate matters including boundary disputes, landlord and tenant work, rights of way, restrictive covenants and registration at HM Land Registry.

His work includes:

- ▶ Disputes over land including traditional boundary disputes, restrictive covenants, rights of way and other easements (*Wheeler v Saunders* [1996] Ch 19 and *Shaw v. Grouby* [2017] EWCA Civ 233). In *Melhuish v Fishburn* [2009] All ER(D) 23 he was successful in the Court of Appeal in an action concerning the interaction of boundary agreements and section 2 of the Law of Property (Miscellaneous Provisions) Act 1989.
- ▶ Landlord and tenant disputes, both residential (*Springfield Investments v Bell* [1991] 1 EGLR 115 CA) and commercial (*Toms v Ruberry* – [2018] 1 WLR 1138).
- ▶ Matters relating to mobile homes and mobile home parks (*Howard v Kinvena Homes* (1999) 32HLR541).
- ▶ Applications to the Property Chamber of the First-tier Tribunal and previously to the Adjudicator (*Mann v Dingley* [2011] EWLandRA 2010_0582).
- ▶ Disputes between potential purchasers and developers of new-build residential properties where the purchasers, because of declining values, wish to be released from their contracts or where the developer wishes to ensure that the purchasers can be obliged to purchase (*Eminence Properties v Heaney* [2011] 2 All ER (Comm) 223).
- ▶ Highway access questions.

Recent cases

- ▶ *Whittle v Whittle & Anor (Re Estate of Gerald Arthur Whittle)* [2022] EWHC 925 (Ch)
- ▶ *Hart v Burbidge* [2014] WTLR 1361 CA
- ▶ *Eminence Properties v Heaney* [2011] 2 All ER (Comm) 223 CA
- ▶ *Taiwan Scot v Masters* [2009] All ER(D) 221 CA
- ▶ *Melhuish v Fishburn* [2009] All ER(D)23 CA
- ▶ *Looe Fuels v Looe Harbour Commissioners* [2008] All ER(D) 305 CA
- ▶ *Scammell v Dicker* [2005] 3 All ER 838 CA
- ▶ *Reddy v Lachlan* [2000] Lloyds Rep PN 858 CA
- ▶ *Howard v Kinvena Homes* [1999] 32 HLR 541 CA
- ▶ *Platts v Western Trust and Savings* [1996] BPIR 339 CA
- ▶ *Wheeler v Saunders* [1996] Ch 19 CA
- ▶ *Springfield Investments v Bell* [1991] 1 EGLR 115 CA

Recommendations

“Charles has a sound grasp of the documents and builds a good rapport with clients. He’s good with clients and on his feet.”

CHAMBERS UK, 2022
REAL ESTATE LITIGATION

“Charles is a hugely experienced barrister who provides very commercial advice.”

LEGAL 500, 2022
PROPERTY AND CONSTRUCTION

“Charles has a wealth of knowledge that he applies practically. In-depth, analytical and good with clients.”

CHAMBERS UK, 2021
PROPERTY AND CONSTRUCTION

"Charles is very, very knowledgeable and drills down into the detail. He has vast experience in this area. Good at strategic practical solutions that are commercially sensible. Clients trust him. He exudes authority."

LEGAL 500, 2021
REAL ESTATE LITIGATION

"Charles is exceptionally knowledgeable and approachable counsel. 'He is incredibly friendly, incredibly commercial and gets on very well with clients.' "

CHAMBERS UK, 2020
REAL ESTATE LITIGATION

"He has an incredible depth and breadth of knowledge. '

LEGAL 500, 2020
PROPERTY

"Manages a successful property practice, and is an expert in right of way issues, adverse possession and boundary disputes. 'Excellent at all aspects of the job. He is great with clients, controls the courtroom and has a very effective manner with judges. He has a first-class legal brain with plenty of commercial sense as well.' 'He argues cases brilliantly in court.' "

CHAMBERS UK, 2019
REAL ESTATE LITIGATION

"A great strategist who can make the most complex matters straightforward."

LEGAL 500, 2019
PROPERTY

Professional memberships:

- ▶ Chancery Bar Association

Qualifications & awards:

- ▶ BA (Dunelm)

Contact Charles:

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