

JAMES FULLER

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James Fuller is a member of the **Property & Estates** Team, practising from Chambers' Bristol and London annexes.

James enjoys a busy court and advisory practice and regularly appears in the High Court, County Court, Upper Tribunal (Lands Chamber), and First-Tier Tribunal (Property Chamber). He also represents clients at mediations and arbitrations.

James has a particular interest in agricultural matters and has been ranked as the sole 'Rising Star' in Agriculture in the 2025 Legal 500. He is also ranked in the 2025 Legal 500 as a 'Rising Star' in Chancery, probate and tax.

James is a co-author of 'Missing People and the Administration of their Estates', due for publication in early 2025.

Prior to being called to the Bar, James practised as a solicitor specialising in agriculture and landed estates.



Expertise

Real Property

James has litigation and advisory experience in most areas of Real Property, including:

- Adverse possession (registered and unregistered land);
- Easements and profits;
- Restrictive covenants;
- Land registration;
- Alteration and rectification of the Register;
- Boundaries and encroachments;
- Examination of title documents, deeds and plans;
- Proprietary estoppel;
- Trusts of land;
- Mortgages and charges;
- Mines and minerals;
- Manorial rights;
- Foreshore rights;
- Trespass, nuisance and other property torts.

James has a particular interest and specialism in cases concerning restrictive covenants. James regularly advises in respect of restrictive covenants and is often able to assist in resolving disputes before proceedings are issued. When resolution is not possible, James appears in the Upper Tribunal (Lands Chamber) in applications to discharge and modify restrictive covenants under section 84(1) of the Law of Property Act 1925, and in the High Court in applications under section 84(2) of the Law of Property Act 1925 for declarations as to the nature and extent of restrictive covenants and whether they are enforceable.

Recent cases include:

- A one-day trial in the Upper Tribunal (Lands Chamber) concerning the discharge of restrictive covenants pursuant to s.84(1) of the Law of Property Act 1925.
- A three-day trial in the First-tier Tribunal (Property Chamber) concerning the adverse possession of unregistered land.
- A two-day trial in the Upper Tribunal (Lands Chamber) concerning the discharge and modification of restrictive covenants pursuant to s.84(1) of the Law of Property Act 1925.
- A five-day trial concerning defective building works, oral agreements, proprietary estoppel, constructive trusts, and resulting trusts.

Featured Real Property cases

Appearing before the High Court in an application under section 84(2) of the Law of Property Act 1925 for a declaration as to the enforceability of a restrictive covenant. Judgment is awaited.

Representing clients at a mediation concerning a boundary and easement dispute. The dispute was successfully settled at mediation.

Robertson v Pace [2024] UKUT 123 (LC), [2025] R.V.R. 35

James appeared for the successful objectors in an application made to the Upper Tribunal (Lands Chamber) under section 84(1) of the Law of Property Act 1925 to discharge a restrictive covenant on the basis of (i) either obsolescence (Ground (a)), or (ii) no injury to those entitled to the benefit (Ground (c)). The Upper Tribunal concluded that the restrictive covenant (restricting the use of the burdened land to agricultural purposes only) should not be deemed obsolete and that its discharge would injure the objectors who are entitled to the benefit of the restriction. The application was therefore refused.

Medley v Mackenzie & Ors [2024] UKUT 112 (LC)

James appeared for successful objectors 1 to 10 in an application made to the Upper Tribunal (Lands Chamber) to discharge and modify restrictive covenants under section 84(1) of the Law of Property Act 1925. The Upper Tribunal found that the covenants (other than an obsolete company consent covenant which was discharged) did bestow practical benefits of substantial advantage upon the objectors, by protecting the open aspect of the area, preventing over-development, and by preventing further inappropriate future development. The application to modify the covenants was therefore refused.

Agriculture

James is a member of the Agricultural Law Association and has been ranked as the sole 'Rising Star' in Agriculture in the 2025 Legal 500. James regularly advises on a wide range of agricultural disputes and his experience includes:

- Tenancies governed by the Agricultural Holdings Act 1986;
- Farm Business Tenancies under the Agricultural Tenancies Act 1995;
- Protected agricultural occupiers under the Housing Act 1988;
- Leases under the Landlord and Tenant Act 1954;
- Contract farming agreements;
- Grazing agreements;
- Common law tenancies;
- Sale and purchase of farms and landed estates;
- Structuring rural property transactions;
- Proprietary estoppel cases;
- Partnerships;
- Covenants;
- Easements and profits;
- Mines, minerals, and manorial rights;
- Public rights of way;
- Renewables;
- Statutory nuisance;
- Overage agreements, option agreements, and joint venture agreements.

Featured Agriculture cases

Written advice concerning: (i) the legal basis of occupation of a farm and whether the farm was subject to an agricultural tenancy within the meaning of the Agricultural Holdings Act 1986; (ii) assignment of agricultural tenancies; (iii) regaining possession of a farm; (iv) proprietary estoppel; (v) tenant's compensation on quitting; (vi) Case C notices to quit (poor husbandry) under the Agricultural Holdings Act 1986; (vii) disrepair; and (viii) rent arrears.

Written advice concerning: (i) dissolution of farm partnerships; (ii) limitation issues in respect of farm partnership disputes; (iii) whether there was an oral agricultural tenancy of the farm within the meaning of the Agricultural Holdings Act 1986; and (ii) surrender of agricultural tenancies by operation of law or merger and denial of title.

Represented the landlord at an arbitration concerning a notice to quit given under Case D of Schedule III of the Agricultural Holdings Act 1986. The arbitration considered issues of (i) whether the landlord and tenant had entered into an oral agreement concerning rent arrears, (ii) whether the rent arrears were time barred pursuant to the Limitation Act 1980 and whether this had any effect on the landlord's ability to serve a notice to pay, (iii) whether the rent arrears still remained due to the landlord following the sale of part of the freehold reversion, (iv) whether the tenant was able to set-off its purported unliquidated claim in damages against the sum set out in the notice to pay, (v) whether misdescription in a notice to pay and notice to quit invalidated the notices, (vi) whether a notice to pay which understated rather than overstated the amount of rent due under an agricultural tenancy is a valid notice to pay.

Advised the landlord of an Agricultural Holdings Act 1986 tenancy on the implications of a deceased tenant's son's failure to apply for a succession tenancy and the deceased tenant's son's continued occupation of the holding.

Advised a landowner as to whether an occupier of agricultural land occupied land pursuant to an oral Farm Business Tenancy.

Advised a farming partnership in respect of a dispute concerning grazing rights over common land.

Advised a landowner as to whether an occupier of agricultural land occupied the land pursuant to an Agricultural Holdings Act 1986 tenancy or pursuant to a Farm Business Tenancy.

Advised a landlord as to whether the terms of an Agricultural Holdings Act 1986 tenancy agreement meant that a tenant's agricultural worker could only work on the holding and, if so, whether the tenant was in breach of the tenancy agreement.

Advised the landlord an Agricultural Holdings Act 1986 tenancy, whether a tenant could satisfy the usual test for set-off in order to rely on set-off in the context of a Case D notice to quit.

Represented the landlord of an Agricultural Holdings Act 1986 tenancy at a forfeiture hearing and successfully obtained forfeiture and possession of the holding for the landlord.

Trusts & Estates

James acts in a broad range of private client matters and is able to assist with:

- Contentious and non-contentious probate;
- Interpretation of wills and trust documents;
- Applications for a declaration of presumed death under the Presumption of Death Act 2013;
- Cohabitation disputes and trusts of land;
- Proprietary estoppel;
- Claims under the Inheritance (Provision for Family and Dependents) Act 1975;
- Appointment, removal and substitution of personal representatives and trustees;
- Duties and powers of personal representatives and trustees;
- Settled Land Act 1925.

Featured Trusts & Estates cases

Tolley v No Defendant (Re Caroline Fisher) [2023] EWHC 979 (Ch), [2023] 1 W.L.R. 2294, [2023] All ER (D) 23 (May), [2023] W.T.L.R. 1187, [2023] 2 P. & C.R. DG 25, [2023] 9 C.L. 122, [2023] C.L.Y. 966

A case concerning whether a nominated executor of an unproven will had standing to seek a declaration of presumption of death of a missing person. James acted for the nominated executor who was successful in her application for a declaration of presumed death.

Landlord & Tenant

James advises on all areas of agricultural (for specific detail see “Agriculture” section of James’s profile”), commercial, and residential, landlord and tenant disputes, including:

- Possession proceedings;
- Forfeiture proceedings;
- Landlord and Tenant Act 1954 renewals (opposed and unopposed);
- Service charge disputes;
- Unlawful eviction;
- Disrepair;
- Dilapidations;
- Trespass;
- Breach of covenant;
- Tenancy deposit claims;
- Mobile Homes Act 1983.

Featured Landlord & Tenant cases

Ms R Persad v Bristol City Council CHI/00HB/LSC/2024/0019

James acted for the successful Respondent in this case before the First-tier Tribunal (Property Chamber), concerning a determination of liability to pay and reasonableness of service charges pursuant to s.27A of the Landlord and Tenant Act 1985.

Mr A Hartley (T/A Hartley Park Homes) v Mr and Mrs Coles and others BIR/47UE/PHI/2023/0039-42, 44, 46-52, 100

James appeared for the successful Applicant in a two day hearing before the First-tier Tribunal (Property Chamber) concerning an application for determination of a new level of pitch.

Cadogan House Investment Properties Limited v Kyriacou and Kyriacou CHI/00HC/LSC/2022/0057

James appeared for the successful Respondent in this case before the First-tier Tribunal (Property Chamber), concerning the construction of a lease and the determination of the tenant’s liability to pay service charges.

Highways, Commons, Environment & Planning

James acts on matters involving public rights of way, commons, town & village greens, environment, and planning related matters, including:

- Commons;
- Town and Village Greens;
- Public rights of way;
- Highways;

- Definitive Map Modification Orders;
- Rural planning matters;
- Listed Buildings;
- Trees;
- Minerals;
- Planning applications and objections;
- Section 106 Agreements and CIL;
- Development agreements (overage agreements, promotion agreements and option agreements);
- Statutory nuisance.

Commercial Dispute Resolution

James has experience in a broad range of commercial disputes including:

- Breach of contract (including disputes arising from domestic building works and engineering projects);
- Misrepresentation;
- Misstatement;
- Estoppel;
- Guarantees;
- Sale of goods and supply of services;
- Agency;
- Professional negligence;
- Debt claims and asset recovery;
- Mortgages;
- Banking;
- Partnership disputes;
- Construction and rectification;
- Consumer credit.

James also welcomes instructions to represent clients at adjudications, arbitrations, and mediations.

Education

- M.St. in History, The University of Cambridge
- PgDip in International Legal Practice (Distinction), The University of Law
- LL.M. in Commercial Law (Distinction), The University of Bristol
- LL.B. (Hons) in Law, The University of Surrey

Memberships

- Agricultural Law Association

- Chancery Bar Association
- Property Bar Association
- The Contentious Trusts Association

Publications

- Co-author of a forthcoming book on the law relating to missing people in a trusts and estates context, due for publication in early 2025.
- J Fuller and J Pugsley, 'Sufficient Interest' under the Presumption of Death Act 2013' (Tolley v No Defendant)' *Lexis Nexis*, 17 May 2023
- J Fuller, 'The Tenant Fees Act 2019: all bark, no bite?' *Estates Gazette*, 18 April 2020, 50