









Rachel Coyle

Call 2013



Clerks' Details

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Property and Planning CV

Rachel is an experienced advocate and is regularly instructed in a variety of property disputes concerning commercial, landlord and tenant and residential property including but not limited to registration, adverse possession, forfeiture, estate charges, service charges, leasehold extension, rights of first refusal, Rule 13 Costs, right to manage applications, breach of leases (leasehold/freehold), dilapidations, right to light, business tenancy renewals and disputes, boundary disputes, tree preservation orders, development contracts, trusts of land including TOLATA 1996 and 1975 Act claims, proprietary estoppel, professional negligence, agriculture, electronic communications code, enforcement of easements and covenants relating to land, trespass, unlawful eviction, highways/public rights of way, injunctions, mortgage repossessions, enfranchisement, right to manage, section 21 and section 8 notices, tenancy deposits, rent repayment orders, Housing Act 2004 appeals pursuant to sections 43 and 45 and disrepair.

Cases

Commercial Landlord and Tenant

- Representing the applicant vendor in the High Court in a Post Office building and business transfer in a strike out application (or in the alternative summary judgment) on the grounds that the claim was an abuse of process and/or pursuant to the rule in *Henderson v Henderson*;
- Drafting pleadings and representing the landlord in an ongoing business tenancy renewal dispute concerning when a counter-notice was served and whether the business was in occupation when the s.26 was served;
- Advising a tenant about a potential tenancy renewal;
- Representing a lender seeking to enforce a charge against a commercial premises owned by the Guarantor in a 5-day trial. The lender was successful. The matter has been appealed. The appeal was dismissed in December 2021 in the High Court and concerned the interplay between the Statute of Frauds Act 1677 and a potentially defective deed that is underpinned by a valid loan agreement;

- Drafting pleadings and representing a freehold owner of a mixed-use premises concerning the Party Wall Act 1996, noise nuisance and alleged trespass in respect of a flu;
- Drafting pleadings and representing a business located in Oldham in a matter concerning subsidence alleged to be caused by the adjoining property's construction work/s;
- Representing an outgoing tenant concerning whether he left the premises vacant and/or whether he can take the mezzanine floor with him;
- Advising on the drafting of an Option Agreement;
- Advising about a tenancy at will in a marketplace;
- Advising, drafting pleadings and representing tenants and landlords in a myriad of business tenancy renewal disputes;
- Advising whether a pre school has any protection under the LTA 1954;
- Advising, drafting and representing a landlord in a commercial tenancy renewal dispute in which the landlord Defendant alleges and relies on the ground (f) and relevant case law such as *Cunliffe v Goodman* [1950] 2 KB 237 and *S Franses Ltd v Cavendish Hotel (London) Ltd* [2018] UKSC 62;
- Advising and representing a landlord in a dilapidations dispute;
- Advising, drafting and representing tenants in a number of relief from forfeiture matters;
- Securing permission to appeal in an ongoing insurance dispute concerning adverse possession;
- Drafting pleadings and representing a Local Authority in a Farm Tenancy dispute;
- Drafting pleadings and representing a catering company in an alleged breach of lease covenants;
- Representing a Defendant in a business tenancy renewal concerning grounds (a), (b), (c) and (g) of s.30(1) of the LTA 1954.

Residential Landlord and Tenant

Multiple possession claims including two cases of alleged housing fraud;

Representing a debtor in a possession claim brought by a bridging loan company;

Drafting pleadings and representing a tenant in a challenge to an Emergency Prohibition Order;

Drafting pleadings and representing a number of leaseholders in a service charge and/or Estate charge challenge;

Drafting pleadings and representing a number of leaseholders in an ongoing matter in which they seek an extension of their lease at the correct premium that is now challenged;

Drafting pleadings in a disrepair claim on behalf of the Defendant that has included an additional claim for breach of contract/duty of care on the part of the agent appointed by the Defendant;

Drafting pleadings and representing a vendor of residential property in respect of a Torts Act 1977 claim;

Drafting pleadings and representing a new homeowner in an arbitration concerning the DPA 1972 and application of the NHBC warranty;

Drafting advice in relation to alleged defects in a new build located in Ebbsfleet;

Drafting pleadings and representing tenants and landlords (including several local authorities) in a myriad of disrepair cases;

Drafting pleadings and representing a Local Authority in a Mobile Home dispute;

- Drafting pleadings and advising a Claimant about whether there has been a breach of trust by the Defendant joint co-owner of residential property such as but not limited to failing to collect service charges and/or carrying out work to the property without the Claimant's consent;
- Drafting advice in respect of alleged defective, non-building regulation compliant renovation works carried out at an Estate property. The works are also alleged to not comply with relevant planning permission/regulations;
- Advising a Landlord about whether an arrangement is a tenancy or licence.

Real Property

- Representing a bed and breakfast in an adverse possession application in respect of a cellar they legally own;
- Drafting pleadings and representing an Applicant that is currently seeking adverse possession of land next to a reservoir;
- Drafting pleadings and representing residents in a case concerning what constitutes a highway;
- Drafting pleadings and representing a private individual in a boundary dispute concerning parking;
- Drafting pleadings and representing a private individual in a boundary dispute concerning the construction of an extension overhanging/encroaching on his land;
- Drafting pleadings and representing a private individual about who owns an unregistered alleyway and whether there is a right of way obtained by prescription in respect of the same;
- Drafting pleadings and representing a private individual about who owns an alleyway against the backdrop of prior insolvent owners of the land;
- Drafting pleadings and representing a commercial tenant in a right of way dispute concerning parking;
- Drafting pleadings and representing a private individual in a nuisance and right of way matter spanning 10 years;
- Drafting pleadings and representing a group of individuals in a nuisance and access to neighbouring land matter;
- Drafting advice in the matter of nuisance caused by breach of planning;
- Drafting advice for a Local Authority about any alleged breach of human rights arising from the grant of planning permission for new houses to be built;
- Representing Respondents in Rule 13 Costs applications;
- Advising on the interplay between easements and section 77 Schools Standards and Framework Act 1998 in relation to playing fields;
- Drafting pleadings and representing a local authority in a matter concerning the Electronic Communications Code;
- Advising about the High Hedges Regulations 2005 and right to light concerning a Grade I listed building;
- Advising, drafting and representing a local authority about tree preservation orders;
- Advising about Japanese Knotweed and representing a seller alleged to have misrepresented on the seller information form about the existence (or not) of Japanese Knotweed;

- Drafting pleadings and representing adverse possessors in a myriad of various adverse possession cases including in respect of land used for grazing, training dogs, equestrian school use, parking, agricultural machinery storage, parking mobile homes;
- Advising a residential occupier about a potential claim in respect of a leak from a neighbouring property;
- Advising and representing a freehold owner of a block of flats in an application for an order pursuant to s.168 of the Commonhold and Leasehold Reform Act 2002. This concerned holiday lets.

Private Client (Trusts and Probate)

- Drafting and representing a Defendant in a 2-day trial determining beneficial ownership of property in circumstances where a property was built on a plot of land apparently sold to the Defendant's ex-partner;
- Drafting and representing an Applicant in an ongoing matter seeking to set aside a TR1 alleged to have been signed when the person transferring the same is alleged to have lacked capacity and/or was under duress/undue influence;
- Drafting and representing multiple Claimants seeking the sale of a property pursuant to s.14 of TOLATA after relationship breakdown, especially those who were married under Islamic Law;
- Representing a Defendant in an ongoing matter seeking to set aside a TR1 on the grounds that the brother lacked capacity at the relevant time. Procedural issues such as lack of service out of the jurisdiction have been raised as well as limitation;
- Representing a Claimant in s.14 TOLATA proceedings where the Defendant alleges the deed was signed under duress/undue influence. Issues concerning conflict of interest have been raised because the solicitors representing the Defendant also drafted and advised the Defendant at the relevant time when the deed was signed;
- Advising a potential beneficiary about whether a Will is valid or not. Duress and undue influence was raised;
- Drafting and representing a Claimant seeking a declaration of her alleged beneficial interest in a property;
- Representing an executrix concerning the burial of her mother in a foreign jurisdiction. This concerned a s.116 Senior Courts Act 1981 claim and application to remove the executrix as administrator;
- Drafting and representing a Claimant in a multi-track trial determining beneficial ownership of a family home in which there was a disputed declaration of trust;
- Representing the Administratrix in a High Court international probate matter. This started as a possession matter concerning Estate property. The occupier (also a beneficiary) disputed the validity of the Letters of Administration on the grounds that there is a Will in Nigeria allegedly dealing with the residuary Estate in which the Administratrix is not appointed as a trustee. The Colonial Probates Act 1892 was relevant.
- Advising a beneficiary on the merits of an application to remove a personal representative;
- Drafting and representing an Applicant seeking the removal of a trustee.

Recommendations

Client/solicitor testimonials and legal directory recommendations

“Rachel’s court room advocacy was very sound and her interactions with the bench were always entirely appropriate”, Deputy Master

“She demonstrated a notably strong intellectual aptitude combined with sound judgment”, Deputy Master

“In my experience Rachel grasps complicated issues quickly and has, on several occasions, conducted legal research quickly and competently in my view,” Solicitor

“My opinion is that Rachel appears commercially minded, get to the nub of issues quickly, and considers both legal and practical issues when providing advice,” Solicitor

“Her drafting is clear, easy to understand and very thorough,” Solicitor

“Rachel has always provided me with clear advice, and most important issues, personable and easy to talk to. She is helpful and gets on your level when discussing legal advice and issues. There has never been any arrogance or brow beating,” Solicitor

“She is a good advocate. I have witnessed her address the Court in a matter I instructed her on. In spite of the complexity of the case, she was able to concisely and persuasively present the case before the Judge. It was no wonder we won. She was clear, efficient, and well-organised,” Solicitor

“I have witnessed her being able to strip away less important issues in a case which has often helped matters to settle. This I have seen at number of successful mediations where her analytical thinking has been the key factor in the settlement. For example, in a case concerning the removal of silt from a private lake that involved a large quantities of documents,” Legal Executive

“Rachel displays an excellent ability to communicate with my clients who come from differing backgrounds. My clients often comment on how approachable she and that they feel very comfortable communicating with her. With some Counsel, client feel rather nervous and daunted when explaining their case, but not with Rachel,” Legal Executive

“I have instructed Rachel on various matters – such as: hearings, trials, drafting pleadings or providing advice etc – and the standard of work that Rachel provides is always excellent. Furthermore, Rachel has a remarkable ability of being able to turnaround work with tight time constraints. In my opinion, Rachel is an exemplary barrister, and, in turn, an outstanding ambassador of the Bar. I believe that this is not only due to her legal expertise and knowledge, but also because of Rachel’s drive and commitment to her profession,” In House Solicitor for a Local Authority

Memberships

- Property Bar Association
- Agricultural Law Association
- Chancery Bar Association
- ComBar
- ALBA
- South-Eastern Circuit
- Association of Women Barristers
- Her Bar
- St Thomas More Society

Education

- **RICS Foundation Course in ADR and Conflict Avoidance** - December 2022-March 2023
- **Vulnerable Witness Training** - September 2018/2019
- **Direct Access Qualification** - July 2017
- **Inner Temple Award** (International Legal Ethics Conference) July 2014
- **Mayor Award** - May 2013
- **Manchester Metropolitan University** - September 2012-June 2013
- **Bar Professional Training Course (BPTC)**
- **The College of William & Mary (WM) Williamsburg, VA (USA) (Draper Scholar) LLM American Legal Studies, GPA 4.2** - August 2011-May 2012
- **The Drapers' Company Scholarship funding an LLM in the USA** - 2011-2012
- **Queen Mary, University of London (QMUL)** - September 2008-June 2011
- **Law - First Class with Honours (LL.B) Hons**
- **Queen Mary, University of London, Law School Bursary Winner** - September 2008-June 2011
- **Aquinas College, Top Ten Theology A-Level** - June 2008
- **Aquinas College Von Hugel Institute Funding for Leadership Conference** - June 2008
- **Aquinas College (Sixth Form)** - September 2006-June 2008
- **Harrytown Catholic High School** - September 2001-June 2006

Publications

- 'A Practical Guide to Common Land and Village Greens', Law Brief Publishing, expected Summer 2023;
- 'A Practical Guide to Treasure Trove', Law Brief Publishing, expected Winter 2023/Spring 2024;
- 'A Practical Guide to the Housing Health and Safety Rating System (HHSRS)', Law Brief Publishing, 2022;
- 'Unlocking the Crypt: Insolvency & Cryptocurrency', New Law Journal, July 2022;

- 'A Practical Guide to Hoarding and Mental Health for Housing Lawyers,' Law Brief Publishing, 2020;
- 'Shared Ownership: Leases of Flats and Right to Manage,' LEASE website and Flat Living, July 2018;
- 'Goodbye Grayling's Employment Tribunal Fees,' Local Government Lawyer, 10 August 2017;
- 'Benefit cap and lone parents with children under two,' Local Government Lawyer, 3 August 2017;
- 'Right to Manage: A Brief Overview.' 19 October 2016, featured on Lexology and LEASE

Beyond the Bar

Rachel volunteers through her Inn to provide advocacy training through 'Bridging the Bar' and conducting mock pupillage interviews. She previously judged the George Hinde Moot at QMUL and volunteered at QMUL Legal Advice Centre.

In addition to writing books for Law Brief Publishing and previously articles for New Law Journal, LEASE, Flat Living and Local Government Lawyer, Rachel delivers seminars/webinars for MBL Seminars.

Rachel is a NISA Level 8 qualified figure skater but is perhaps a little rusty. She previously played football for Calthorpe Project FC. She enjoys skiing and mountain biking or relaxing with a good book about archaeology or playing her guitar. She is also a mother to two active girls and a governor at her local primary school.