



David Nuttall

Year of Call: 2010

Telephone: 0121 236 0863

Email Address: david.nuttall@stiveschambers.co.uk

Overview

David Nuttall is a Barrister specialising in property law.

David specialises in both Business and Property work and Social Housing. He deals with all facets of these areas, working for commercial and residential property owners, landlords and tenants.

He is a well-respected practitioner in the Midlands and is ranked in both Legal 500 and Chambers & Partners for his property work. David is known for being both technically minded and good-humoured.

Please see the specialist profiles on the left for further information.

Practice Areas

Housing

St Ives is the premiere regional set for social housing, and David is a key part of that.

Alongside the usual anti-social behaviour and rent cases, David has a wealth of experience engaging with the Equality Act 2010, arguments over tenant's Article 8 rights and public bodies' duties under s11 Children Act 2004. David has experience of numerous effective judicial reviews and homelessness appeals, and so readily speaks the language of public law arguments.

Recently, David has found himself frequently defending social landlords in the inordinate number of disrepair claims which are now being brought. David brings his considerable experience of dealing with commercial repairing covenants to the social housing field, and is known to quickly knock-out disrepair claims with technical legal argument.

Notable social housing trials David has been instructed on involve:

- Properties used as drugs dens and to store firearms;
- Serious and constant noise nuisance;
- Defences brought under the Equality Act and Human Rights Act against all kinds of claims, particularly including those where the tenant suffers from serious mental health conditions.
- Claims and counter-claims for serious housing disrepair, including personal injury cases under the Defective Premises Act;
- Breaches of covenant including unlawful subletting, business use, immoral use, failing to grant access and wrongfully keeping animals;
- Bringing and defending judicial reviews on issues such as allocation policy, refusal to grant accommodation pending review and to restrain a local authority from unlawfully evicting a tenant;

- Homelessness appeals, including those involving Gypsies and Travellers, questions of intentionality and procedural fairness.

Business & Property

David has been a member of St Ives since 2013 and in that time has gained exceptional experience in property work.

In commercial property disputes, David regularly acts for landlords and tenants in claims involving lease renewal, dilapidations, forfeiture and interpretation of covenants. He is well versed in the intricacies of the Landlord and Tenant Act 1954.

In terms of residential property, David deals with all manner of matters regarding possession, disrepair, service charge recovery and other breaches of covenant. His wide housing practice gives him particular expertise in unusual matters involving security of tenure.

Outside of landlord and tenant, David has built a strong practice in disputes involving boundaries, adverse possession, easements and other appurtenant rights. He is known for having a particular enthusiasm for these tricky areas.

David likes to get involved with cases as early as possible, and is a pragmatic and commercial practitioner, always on the look-out for the most cost effective means of achieving the client's objectives.

A few example cases David has been involved in:

- A mortgage possession saga, on behalf of the lender. This involved, amongst other things, consideration of whether the lender's own actions had frustrated the re-payment of the loan. This ended in a High Court appeal brought by the borrowers. Whilst the Court made a modest variation to the extent of the money claim, the vast majority of the appeal was dismissed – **[2019] EWHC 2289 (Ch)**
- A preliminary issue trial in the Business and Property Court, successfully representing the landlord. In this case the Court was asked to determine whether s26(1) of the 1954 Act applied to an informally drafted lease, and so to determine whether the tenant was entitled to bring lease renewal proceedings – **Birmingham District Registry, July 2019**
- A four day dilapidations trial involving extensive cross-examination of building and valuation surveyors. This case is now used as a case study by s18 valuation experts as an example of the Court adopting a "value affective works" approach – **Birmingham County Court, May 2018**
- A three day TCC trial regarding encroaching foundations and allegedly negligent construction works – **Birmingham District Registry, June 2017**
- A Land Registry tribunal hearing regarding water rights;
- A trial, and subsequent appeal, regarding the use of expert translation evidence in a lease fraud trial, where the lease had been drafted in Urdu;
- An unopposed lease renewal application regarding the disputed insertion of a re-development break clause;
- A three-way dispute between a landlord, a commercial tenant and a neighbouring housing association involving rent suspension, nuisance and the Defective Premises Act;

Qualifications

Oxford University: BA Jurisprudence, 2:1

Nottingham Law School: BVC Very Competent

Memberships

Inner Temple

Recommendations

Chambers & Partners 2020: "He is very intelligent and always gets to the root of the problem."

"He is excellent, thorough and punches well above his weight."

Legal 500 2019: "Gives concise, commercially-aware, and well thought-out advice."

Chambers & Partners 2019: "A great technical barrister who is also very good with clients." "A strong advocate who is always prepared."

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