

David Mitchell

Call: 1995

Ranked as Leading Junior in Chancery, Probate & Tax, Professional Negligence, Property and Construction.

Legal 500 2025



David Mitchell's practice covers all traditional Chancery areas, with an emphasis on wills, trusts and probate matters, including inheritance act claims.

A significant part of his practice resolves around real property, including conveyancing and boundary disputes, adverse possession and other disputes relating to title to land, trespass, possessions actions and nuisance neighbour disputes. He also regularly advises in respect of landlord and tenant (commercial and agricultural) and a solid background in soft intellectual property matters. He also undertakes general commercial litigation.

David has for many years been recommended by both the Legal 500 and Chambers and Partners directories.

Prior to obtaining a first class law degree from City University, David studied Physics at Imperial College, London. David undertook pupillage at two long established chancery chambers in London before he was appointed for one year as the Judicial Assistant to the Honourable Mr Justice Turner.

Expertise

Business & Property

David has extensive experience of all aspects of property litigation, including commercial and residential landlord and tenant, restrictive covenants, easements, mortgages, adverse possession and agriculture.

He has experience as an advocate in tribunals ranging from the County Court to the Court of Appeal. He has conducted a number of lengthy trials in the Chancery Division of the High Court and has also appeared before the First Tier Tribunal (Land Registration Division) and the Upper Tier (Lands Chamber).

David has particular interest in contentious probate claims and regularly appears in the Court of Appeal, High Court and before the Probate Registrar. David is often asked to advise and thereafter litigate as to the construction of wills. David's practice involves claims for the removal of Executors and Trustees, and for breaches of their duties. David has extensive experience in advising on claims under the

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Inheritance (Provision for Family and Dependants) Act 1975 and has now formally advised in well over 150 hundred different cases.

In the partnership field, David has a wide experience of the usual dissolution matters, including the taking of dissolution accounts. He has also acted in cases concerning disputes between the Partners of LLPs. Often the underlying business and therefore dispute concerns land / farms and often this is in a family context.

David has appeared in the High Court and Arbitrations both for landlords and tenants in respect of agricultural tenancies, under the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995.

David has a particular experience in claims under the doctrine of proprietary estoppel and in particular cases surrounding disputes between farming generations. David has also advised in many claims under the Inheritance (Provision for Family and Dependants) Act 1975 which involve farmers.

David's practice covers the full-range of commercial litigation, often with a technical or property focus.

David is often called upon to advise in respect of Professional Negligence claims arising in the areas of Chancery and Commercial law in which he practices.

Notable Cases

Bhaur v Equity First Trustees (Nevis) Ltd (Court of Appeal – sole Counsel) [2023] EWCA Civ 534; [2023] S.T.C. 1012; [2023] B.T.C. 18; [2023] W.T.L.R. 851

(Ch D) [2021] EWHC 2581 (Ch); [2021] B.T.C. 31

Claim to set aside an EBT for mistake.

Blythe v Blythe [2023] EWHC 1085 (Ch)

Successful defence of a claim to set aside a gift on grounds of lack of mental capacity and undue influence.

Clarence Court Eggs Ltd v Chapman [2022] EWCA Civ 1681

Claim for specific performance of an Option to purchase a parcel of land following an investigation by the Competition Commission into a merger.

Mills v Partridge [2020] EWHC 2171 (Ch)

Successful claim concerning excessive use of a Right of Way and breaches of Restrictive covenants concerning the expansion and diversification of a nursery to include a thriving tea room, retail space and car parking.

Begum v Ahmed [2019] EWCA Civ 1794; [2022] W.T.L.R. 1189

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1975 Act, permission to bring out of time

Sargeant v Sargeant [2018] EWHC 8 (Ch); [2017] WTLR 1451

1975 Act, permission to bring out of time

BB v PP [2016] EWCOP 65 and [2015] EWCOP 93

Ratification of gift

Kebbeh v Farmer [2015] EWHC 3827 (Ch); [2016] WTLR 1011

1975 Act, domicile

Re Weetman (Deceased) [2015] EWHC 1166 (Ch); [2015] WTLR 1745

Removal of Trustees before Trust is constituted

Mitchell v Watkinson (CA) [2014] EWCA Civ 1472; [2015] L. & T.R. 22: (ChD) [2013] EWHC 2266 (Ch)

Adverse Possession, Unincorporated Associations

Redcrier Publications Ltd v Redrup Publications Ltd (t/a Complete Care Training) [2013] EWHC 3481 (IPEC)

Copyright claim

Singh v Sanghera [2013] EWHC 956 (Ch)

Business Sale, s. 2 of the Law of Property (Miscellaneous Provisions) Act 1989

Williams v Wilmot [2012] EWHC 4077 (Ch)

Setting Aside of Probate Order

Durden v Aston [2012] EWCA Civ 636

Boundary Dispute, General Boundary Rule, Land Registry title plans

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British Telecommunications Ltd v Rail Safety and Standards Board Ltd [2012] EWCA Civ 553; [2012] L. & T.R. 35

Formalities of an Assignment of a Lease

Ramzan v Brookwide Ltd [2011] EWCA Civ 985 | [2012] 1 All E.R. 903:(ChD) [2010] EWHC 2453 (Ch); [2011] 2 All E.R. 38

Breach of trust, Exemplary damages, Trespass, Measure of damages, Mesne Profits

Sargeant v Macepark (Whittlebury) Ltd [2008] EWCA Civ 1482

Construction of a Mediation Agreement, Landlord and Tenant

Dutton v Davis [2006] EWCA Civ 694; [2006] 2 P. & C.R. DG19 7

Buy back rights, Mortgages, Options, Sale of land

Eco-Energy (GB) Ltd v First Secretary of State (CA) [2004] EWCA Civ 1566; [2005] 2 P. and C.R. 5

2005

Proprietary Estoppel / Constructive Trusts, Limitation periods, Civil procedure

Butler & Young Ltd v Bedford BC [2003] EWHC 1289 (Admin)

Timing of Appointment of Private Building Control

Agriculture & Rural Affairs

David has appeared in the High Court and Arbitrations both for landlords and tenants in respect of agricultural tenancies, under the Agricultural Holdings Act 1986 and the Agricultural Tenancies Act 1995.

David has a particular experience in claims under the doctrine of proprietary estoppel and in particular cases surrounding disputes between farming generations. David has also advised in many claims under the Inheritance (Provision for Family and Dependents) Act 1975 which involve farmers.

Further, David has been involved in a number of farming partnership disputes.

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Commercial Litigation

David's practice covers the full-range of commercial litigation, often with a technical or property focus.

David's recent experience includes working for a multinational corporation in respect of claims and counterclaims worth in excess of 2 million.

Company & Partnership

David's practice covers all aspects of minority shareholder disputes, warranties claims and disputes in respect of share-sale/purchase agreements. David has also appeared in claims concerning the breach of duty by directors and of other provisions of the Companies Acts.

In the partnership field, David has a wide experience of the usual dissolution matters, including the taking of dissolution accounts. He has also acted in cases concerning disputes between the Partners of LLPs.

Often the underlying business and therefore dispute concerns land and often this is in a family context.

Intellectual Property & IT

David did his pupillage in a set which specialised in Intellectual property and has experience of claims concerning patents, copyright, design right and trademarks, as well as passing-off claims.

David's has experience in information technology matters, and is ultimately responsible for Chambers' own systems. He has experience in disputes concerning the provision of both computer hardware and software.

Joint Venture & Shareholder Disputes

David's practice covers all aspects of minority shareholder disputes, warranties claims and disputes in respect of share-sale/purchase agreements. David has also appeared in claims concerning the breach of duty by directors and of other provisions of the Companies Acts.

In the partnership field, David has a wide experience of the usual dissolution matters, including the taking of dissolution accounts. He has also acted in cases concerning disputes between the Partners of LLPs.

Often at the essence of the dispute are issues concerning Real Property, in particular as to development land.

Professional Negligence

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Recently David has acted in High Court claims in the fields of Conveyancing, Surveying / Valuation and Will drafting.

Real Estate

David has extensive experience of all aspects of property litigation, including commercial and residential landlord and tenant, restrictive covenants, easements, mortgages, adverse possession and agriculture.

He has experience as an advocate in tribunals ranging from the County Court to the Court of Appeal. He has conducted a number of lengthy trials in the Chancery Division of the High Court and has also appeared before the First Tier Tribunal (Land Registration Division) and the Upper Tier (Lands Chamber).

Inheritance Act Disputes

David has particular interest in contentious probate claims and regularly appears in the Court of Appeal, High Court and before the Probate Registrar. David is often asked to advise and thereafter litigate as to the construction of wills.

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Awards



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