

David Taylor

Call: 1993

"David has a wonderful manner with clients. He is extremely knowledgeable and immediately puts clients at ease with his calm and assured manner. His advocacy is second to none. He quickly builds a rapport with the court and masterfully presents a case with passion, weaving logic and reasoned argument in a very measured way."

David Taylor - Legal 500 2025 (Property and Construction)



David Taylor is a recognised specialist in the Business & Property Courts, where his practice is focussed upon real estate and landlord & tenant work, and includes property related professional negligence.

He appears in the Court of Appeal, High Court and County Court, in the Upper Tribunal, and the Property Chamber of the First-tier Tribunal as well as in arbitrations. David is also an experienced and effective mediator.

David has been identified as a 'leader at the bar' in the fields of real estate litigation, chancery, commercial dispute resolution & property & construction work. He has been ranked 'Band 1' by Chambers & Partners, and 'Tier 1' by Legal 500, in the core areas of his practice, in successive years. Clients commend his responsiveness, the quality and clarity of his advice, and his persuasive advocacy.

David was formerly a Deputy Adjudicator to HM Land Registry, and was appointed a Judge of the Property Chamber of the First-tier Tribunal in 2013.

Expertise

Business & Property

David practices the following areas:

Agriculture & Rural Affairs

David is regularly instructed in connection with farming partnership disputes, nuisance and proprietary estoppel claims, and other disputes concerning contested property rights over land. He acts in disputes arising out of conditional contracts for sale and overage agreements, as well as in disputes arising under the Agricultural Holdings Act 1986 and under the Agricultural Tenancies Act 1995.

Birmingham

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DX: 449 London Chancery Lane
Telephone: +44 (0) 207 420 7500

Bristol

30 Queen Square
Bristol
BS1 4ND

DX: 7838 Bristol
Tel: +44 (0) 117 917 8501

David's recent instructions in these areas include:

- representing a farmer in his defence of a substantial proprietary estoppel claim brought against him by his son, a case involving consideration of expectation vs. reliance based remedies
- representing a farmer in connection with a boundary dispute involving application of the hedge & ditch presumption;
- representing land-owners in their claim for specific performance of a developer's obligations to promote agricultural land for residential development;
- mediation advocacy and advice in a complex farming partnership dispute;
- advising a farmer in respect of a cross-border claim concerning the sale of infected cattle;
- representing in the High Court a farmer whose barn-conversion works were alleged to have interfered with a neighbour's right of way by unilaterally relocating it;
- representing a client in contested County Court proceedings concerning the validity of s.28(4) AHA 1986 tenant's counter-notice;
- representing a client in a contested arbitration concerning alleged breaches of obligations to farm in accordance with the rules of good husbandry;
- acting in connection with disputes concerning the question whether a tenancy attracted the protection of the AHA1986;
- advising in respect of limitation issues arising in a claim for statutory compensation for dilapidations after termination of a tenancy;
- providing advice to an AHA arbitrator in respect of arguments relating to res judicata and issue estoppel;
- representing a farmer in connection with a summary judgment application in a case in which a statutory undertaker's cable-laying works had interfered with drainage pipes;
- advising in a nuisance claim arising out of encroaching tree roots;
- representing a consortium of shooting clubs in an adverse possession dispute against the RSPB;
- advising a farmer in connection with allegations of nuisance by flooding;
- advising a client in respect of the transmission of fishing rights;
- acting for a land-owner in connection with a dispute against a telecommunications company over retention of a mobile phone masts;
- representing a pig-farmer in a nuisance claim brought by neighbours in circumstances where the operation of his business was threatened by injunctive relief;
- advising a land-owner in respect of the extent of permissible use of an expressly granted right of way 'for agricultural purposes'.

Commercial Litigation

David has been a commercial litigation specialist for thirty years. He regularly appears in the Business & Property Courts in high value disputes, as well as in the County Court, and in arbitrations and mediations. His commercial litigation practice is focussed upon property disputes.

His recent instructions include:

- defending a claim for rescission of a commercial lease on the grounds of alleged misrepresentation and / or breach of implied lease terms;
- representing a commercial client in a dispute concerning the respective liabilities of freehold owner, lessees and sub-lessees to contribute towards the costs of structural defects in buildings caused by Regent's Street disease;
- advising a commercial client in respect of the proper interpretation of service charge provisions in a commercial lease;
- acting for a claimant in proceedings for rectification of a transfer plan, so as to secure access to development land;
- acting for a claimant in a claim to secure prescriptive parking rights for the benefit of its industrial premises.

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Mediation

David was an early adopter of mediation as an effective means of alternative dispute resolution, having trained with ADR Group in 2005. Since that time he has conducted many hundreds of mediations as mediator, both in private practice, and for the Property Chamber of the First-tier Tribunal.

In his capacity as a barrister he has represented countless clients at mediation, often achieving far better results than would have been achieved by them at trial. He recognises that mediation offers the potential for more inventive resolution of disputes than can be achieved through court action. He believes strongly in the importance of good quality preparation prior to mediation, in order to yield the best chance of a favourable outcome.

Apart from his mediation experience, David has been engaged as an expert to provide Early Neutral Evaluation in property related cases.

David's recent notable instructions as mediator include the following:

- a contested constructive trust claim concerning a £2.5m property, in which the parties agreed upon a landlord / tenant relationship as an alternative to sale of the disputed property;
- a boundary dispute with potential to give rise to a ransom strip, which was resolved through the sale of land by one party to another;
- a £2m farming partnership dispute which was resolved by partition of the farm, with a balancing payment being made;
- a sale of goods dispute which was resolved by the parties agreeing upon new terms for a continued business relationship.

Professional Negligence

David's professional negligence practice involves primarily claims against barristers, solicitors, surveyors, managing agents and other property professionals. He has particular experience in professional negligence claims against conveyancing solicitors.

Recent instructions include:

- advising trustees of a SIPP in a £750k claim against solicitors who had given negligent conveyancing advice in connection with the acquisition of a commercial lease whose rent-review provisions rendered it valueless
- representing at trial the purchaser of a dwelling in respect of a surveyor's negligent failure to report upon serious defects in the dwelling's structure, which required the building's complete demolition and reconstruction;
- advising conveyancing solicitors in connection with an allegation that they had negligently failed to identify a ransom strip separating development land from the public highway;
- representing a client in a claim against solicitors who had negligently prepared a transfer plan, resulting in the loss of a means of access to an intended development site;
- acting in a claim against conveyancing solicitors who had failed to deal with a deposit in accordance with the Law Society's Code for Completion by Post.

Real Estate

Property and landlord & tenant law is at the heart of David's practice, and he is a recognised expert in these areas. He has represented parties in several important reported cases concerning the interpretation of conveyances, adverse possession, easements, restrictive covenants and valuation.

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- advising a commercial client in respect of the proper interpretation of service charge provisions in a commercial lease;
- acting for a claimant in proceedings for rectification of a transfer plan, so as to secure access to development land;
- acting for a claimant in a claim to secure prescriptive parking rights for the benefit of its industrial premises;
- representing a farmer whose barn-conversion works were alleged to have interfered with a neighbour's right of way;
- advising a client in respect of the transmission of fishing rights;
- advising a client in respect of the existence of ancient mooring rights on the River Thames;
- representing a farmer in his defence of a substantial proprietary estoppel claim brought against him by his son, involving consideration of expectation vs. reliance based remedies;
- representing a farmer in connection with a boundary dispute involving application of the hedge & ditch presumption;
- representing a consortium of shooting clubs in an adverse possession dispute against the RSPB;
- acting for a landlord in opposed lease renewal proceedings, relying upon the redevelopment ground;
- acting for a tenant in unopposed lease renewal proceedings, where the principal issue was the amount of rent payable;
- acting for a claimant in a nuisance claim arising out of encroaching tree roots and branches.

Awards



Accreditations

- Band 1 in Real Estate Litigation – Midlands (Bar); Commercial Dispute Resolution – Midlands (Bar) (Chambers UK)
- Tier 1 (Leading Junior) in Property & Construction (Legal 500)

Appointments

- 2008 – Deputy Adjudicator to HM Land Registry

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- 2013 – Judge of the Property Chamber of the First- tier Tribunal

Qualifications

- MA Cantab (Law: 1st Class)

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