

Michael Mullin

Called: 2010
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PROFILE

Michael is a leading junior specialising in property and public law.

He accepts instructions across all areas of property law and also maintains a regulatory & public law practice, with a particular focus on Local Government decision making.

Michael has judicial experience and was a part-time judge of the First Tier Tribunal, Property Chamber from January 2019 – July 2023.

Michael regularly appears in the Court of Appeal representing local authorities in relation statutory appeals against homelessness decisions.

Before joining Chambers, Michael was in employed practice for a number of high-profile public-sector bodies including: 3 prominent London Boroughs, a large Housing Association, Transport for London, the Greater London Authority and the Mayor's Office.

EXPERTISE

Property Litigation

Michael has substantial experience of real property and landlord and tenant litigation. He is particularly sought-after for cases involving contested rights of way, boundary disputes and Party Walls; and has acted for owners and developers successfully at trial in such matters.

Michael is also an established expert in the law of Landlord and Tenant. He can draw upon his experience as

a Property Chamber judge to provide robust advice in relation to cases in the tribunal system. He is regularly retained to provide advice and representation to private individuals, Housing Associations, Local Authorities and management companies in relation to forfeiture, service charge disputes, leasehold enfranchisement, and leasehold extension.

He has particular expertise in the Building Safety Act 2022 and its impact on the property sector.

Michael also has a thriving park homes practice and regularly acts for park owners in the First Tier Tribunal and Upper Tribunal. He has extensive experience in particular of pitch-fee reviews.

Some recent examples of his work include:

- Appearing in the Upper Tribunal for a Park Owner in response to an appeal against the striking out of a pitch fee review claim.
- Appearing successfully in the Upper Tribunal for an appellant Landlord in a matter concerning the conditional grant of dispensation from consultation requirements under the Landlord and Tenant Act 1985.
- Advising and drafting proceedings for the owner of land where a neighbouring boundary wall collapsed into it causing over £100,000 worth of damage.
- Drafting proceedings and successfully appearing for the Claimants at trial on a claim seeking a declaration regarding the acquisition of an easement by prescription and an injunction to remove a boundary wall which had obstructed the easement.
- Representing a client a mediation regarding breach of a restrictive covenant not to obstruct the view from their property.
- Successfully acting for claimant at trial regarding the acquisition of an easement by prescription under the doctrine of lost modern grant.
- Successfully representing a management company at trial for an order for unpaid estate charges.
- Successfully resisting a claim brought against a landlord alleging an unreasonable withholding of consent to develop property held under a long lease.

Notable Cases

- ***Robling & Sprigg v Doe [2024] UKUT 11 (LC)***
- ***Holding & Management (Solitaire) Ltd v Leaseholders of Sovereign View [2023] UKUT 174 (LC)***

Social Housing

Michael is head of the social housing practice group in chambers and is instructed in all areas of housing law including: complex possession claims, disrepair, leasehold disputes, licensing appeals, anti-social behaviour, and disputes over tenancy deposit schemes.

He is ranked as a leading junior in the Legal 500 and Chambers & Partners and regularly appears in the County Court and the High Court for landlords and tenants from the public and private sectors. He is also regularly instructed to prosecute and defend housing regulatory prosecutions in the criminal courts, including prosecutions under the Environmental Protection Act 1990 and offences under the Housing Act 2004.

Michael also has significant advisory experience and has provided detailed advice on statutory and non-statutory policies including: Part VI allocation schemes, temporary accommodation procurement & allocation policies, the Mayor's Housing Strategy, the Mayor's Good Practice Guide for Estate Regeneration and Local Authority schemes for selective and additional licensing.

Notable Cases:

- ***R (on the Application of Notting Hill Genesis) v The Camberwell Green Magistrates Court [2019] 5 WLUK 124*** – Judicial review of the assessment of costs following settlement of a prosecution brought under the Environmental Protection Act 1990.
- ***Jackson v London Borough of Waltham Forest [2016] EWHC 685 (Admin)*** – Interim accommodation under s.202 Housing Act 1996.
- ***(S) v Waltham Forest LBC [2016] EWHC 1240 (Admin)*** – The nature of the duty to assess an applicant's 'housing needs' pursuant to s.192 Housing Act 1996.
- ***Hussain v London Borough of Waltham Forest [2015] EWCA Civ 14*** – The interpretation of 'violence' in s.177 of the Housing Act 1996. (as instructing lawyer).
- ***London Borough of Camden v Tonello [2013] EWHC 1861 (Ch)*** – Whether appeal against a possession order should be by way of rehearing or by review.

Public Law

Michael has wide ranging general public law experience with a particular speciality in advising on the lawfulness of decisions made by public sector bodies in a housing context (including Local Authority cabinet decisions and Mayoral decisions).

Michael is regularly instructed in s204 appeals and has acted in a range of appeals in relation to intentional homelessness, suitability of accommodation, vulnerability and eligibility. He also provides training on the full range of Homelessness issues including the impact of the Homelessness Reduction Act 2017.

Michael regularly represents Local Authorities in the Court of Appeal on homelessness matters.

Michael has also advised extensively on public sector housing policy, grant-funding and licensing initiatives and is regularly instructed to appear at the Administrative court on related judicial review proceedings.

Other aspects of public law Michael has advised on include:

Consultation exercises – ensuring compliance with statutory and common law requirements.
Equalities Impact Assessments – advising on the sufficiency and lawfulness of the decision maker's equalities considerations, compliance with the PSED and assisting to minimise the risk of challenge.
The extent and nature of Local Government statutory powers and duties, and the exercise of any related discretion.
Data Protection & Freedom of Information.

Notable Cases

- ***Webb-Harnden v LB Waltham Forest [2023] EWCA Civ*** – Michael successfully represented the LB Waltham forest. The Appeal concerned whether the council had complied with the PSED in housing an applicant out of borough.
- ***Zaman v LB Waltham Forest [2023] EWCA Civ 322*** – Michael represented the LB Waltham Forest; led by Nick Grundy KC. The Appeal concerned the lawfulness of an out of borough placement and whether or not the local authority had demonstrated compliance with its Accommodation Acquisitions Policy.
- ***Paley v LB Waltham Forest [2022] EWCA Civ 112*** – Michael represented the LB Waltham Forest; led by Nick Grundy KC. This case concerned the correct approach to affordability assessments where the applicant, Ms Paley in this case, fails to provide up-to-date details of the expenses.

- **Akhter v LB Waltham Forest [2021] EWCA Civ 1688** – Michael successfully represented the LB Waltham Forest, led by Nick Grundy KC, on Ms Akhter's 2nd Appeal. The issue was whether the Council had complied with the requirements of Homelessness (Suitability of Accommodation) Order 2012, Art 3, in relation to accommodation offered to Ms Akhter in discharge of the homeless duty it owed her.
- **Nikolaeva v London Borough of Redbridge [2020] EWCA Civ 1586** – Michael successfully appeared as leading junior counsel (leading Elizabeth England) in the Court of Appeal on the issue of what constitutes a refusal under s.193(7) of the Housing Act 1996.
- **Panayiotou v London Borough of Waltham Forest [2017] EWCA Civ 1624** – appropriate test for vulnerability in homelessness decision making (appeared at first instance).
- **Newlyn PLC v LB Waltham Forest [2016] EWHC 771 (TCC)** – Procurement challenge against the award of contract for debt recovery. (as instructing Lawyer).
- **Williams v LB Waltham Forest [2015] 3907 (Admin)** – Statutory appeal against TROs implementing the borough's 'Mini-Holland' cycle scheme. (as instructing lawyer).
- **Haile v London Borough of Waltham Forest [2015] UKSC 34** – Breaking the chain of causation in cases of intentional homelessness. (as instructing lawyer).
- **Lycamobile Ltd UK v The London Borough of Waltham Forest [2014] EWHC 1829 Admin** – appeal by way of case stated against a conviction for breach of the advertising regulations.

FURTHER INFO

Directory Quotes



"Michael is very experienced in housing law and has been at the coalface of local authority work, so he really understands the issues involved."

The Legal 500 UK 2023

Qualifications

- University of Law – BVC
- University of Law – GDL
- University of Law – LLB
- Hatfield College, University of Durham – Ba(Hons) Theology

Scholarships

Lord Diplock Scholarship – Middle Temple

Other

Michael is qualified to accept instructions directly from members of the public pursuant to the Bar's public access scheme and is a supporter of Pro-Bono work, using his experience working at the Islington Legal Advice centre to provide clear and effective advice directly to clients.