

Sam Phillips

Called: 2011
samphillips@fivepaper.com

"Sam Phillips' advice is second to none and clients are very impressed with him on his feet. He is competent in tackling intricate and involved cases. He is truly a distinguished and pragmatic barrister."



"Sam has a wealth of technical knowledge and can advise on all cases no matter how obscure the issue is. His advocacy is authoritative and presents his cases with clarity."

Chambers UK Bar 2024 and Legal 500, London Bar 2024.

PROFILE

Sam is a trusts and property specialist and member of Five Paper's Property Division. Sam is a member of the Private Client Team and has been consistently ranked as a leading individual in both Chambers and Partners and Legal 500. Sam has been Deputy Head of Chambers since 2019.

Sam accepts instructions in all areas of contentious trusts and property law, with particular emphasis on trusts of land, real property and leasehold matters. Sam regularly appears in the High Court, County Court and Property and Land Chambers of the Upper and First-Tier Tribunal.

Recently Sam has acted as sole counsel in the Court of Appeal, Business and Property Courts and King's Bench Division of the High Court and appeared, as junior counsel to Nicholas Grundy KC in the leading succession case of *Simawi*, finally determined in the Supreme Court.

Before joining Chambers in 2011, Sam managed and developed a portfolio of 850 properties in London for one of the largest landlords in the UK. Drawing on his industry experience, Sam provides a clear, accessible and commercially sensible service to clients at all stages of litigation and in mediation.

EXPERTISE

Property litigation

Release from covenants, enforcement of covenants, adverse possession claims, commercial leases, leasehold enfranchisement, injunctions and boundary disputes. Claims arising from Japanese Knotweed and associated issues. Acting for landlords, property managers and RTM companies in the Property Chamber.

Recent experience:

- Resisted an appeal to the Court of Appeal in the matter of Frejek v Frejek on the basis that unwitting breach of a Court order still constitutes contempt of Court
- Application for release from restrictive covenant in the Upper Tribunal to allow for residential development
- Resisted an appeal in the B&PC (Chancery Division) relating to beneficial interests determined by a gifted deposit form
- Acted for the successful Respondent trustees in an appeal in the B&PC (Chancery Division) in a claim for adverse possession of commercial property
- Defeated a claim under TOLATA for a beneficial share of a portfolio of homes in West London;
- Obtained possession of residential properties in the final hearing of an £8million development claim in the Queen's Bench Division of the High Court;
- In the FTT and Upper Tribunal (Land Registry) resisted a claim for registration based on an alleged beneficial interest in multiple houses, on the basis of the presumption of advancement;

Private Client

Contested applications under the Trusts of Land and Appointment of Trustees Act (TLATA), property disputes arising from contested wills and probate.

Recent experience:

- Successfully appealed against a trial judge's reliance on an SJE in a boundary dispute, where a Defendant had admitted the Claimant's case in cross examination;
- Acted for the successful Claimant of a right of way, relying on the doctrine of lost modern grant, resisting the Defendants' argument that a delay of 25 years engaged the equitable defence of laches;
- Successfully argued for findings of contempt of court against the former executor of a will for failure to comply with an order made in the Chancery Division of the High Court;
- Obtained an order for the removal of an executor and replacement with an independent professional at a contested final hearing in the Chancery Division of the High Court (Birmingham);

Landlord and Tenant

Acting for landlords and tenants in all areas of commercial property and housing law, particularly contested possession claims, article 8 and proportionality challenges as well as homelessness appeals, obtaining Anti-Social Behaviour Injunctions and enforcement through committal proceedings.

Recent experience:

- Acted for the successful appellant in the Upper Tribunal, setting aside the FTT's reasons and re-defining a tenancy agreement as contractually periodic;
- Appeared for the successful respondent in a Declaration of Incompatibility claim in the Court of Appeal (led by Nicholas Grundy QC);

- Obtained £100,000 Unlawful Profits Order resulting from AirBnB lettings;
- Resisted application for a Declaration of Incompatibility relating to the Housing Act 1985 in the Queen's Bench Division of the High Court.

FURTHER INFO

Directory Quotes



Ranked Band 2 for Social Housing in Chambers and Partners 2025

"Sam Phillips' advice is second to none and clients are very impressed with him on his feet. He is also very personable and easy to talk to."

Chambers and Partners 2024

"Sam Phillips provides pragmatic and straightforward advice which is backed by an in-depth knowledge of the sector."

Chambers and Partners 2024

"Sam Phillips is a well-rounded barrister. He is competent in tackling intricate and involved cases. He is truly a distinguished and pragmatic barrister."

Chambers and Partners 2024

"Sam has a wealth of technical knowledge and can advise on all cases no matter how obscure the issue is. His advocacy is authoritative and presents his cases with clarity."

The Legal 500 UK 2024

"highly skilled at cutting through complex cases to identify the key points' and 'fantastic on his feet."

The Legal 500 UK 2024

"Sam is a very talented and pragmatic counsel and achieves great results."

Chambers and Partners 2023

"Sam's previous experience, prior to being called to the Bar, puts him in a unique position in terms of client cases and understanding of the challenges that face our clients."

Chambers and Partners 2023

"Sam's advice is pragmatic and he is a talented advocate on his feet. He is personable to those instructing him and lay clients."

The Legal 500 UK 2023

"He has an excellent client manner and provides pragmatic solutions." "Sam is excellent on his feet, he's very easy to have a conversation with and he gets the results – he's a joy to work with."

Chambers and Partners 2022

"Sam is immensely knowledgeable and always obtains excellent results. Sam is quick-witted in both his

intelligence and humour, making him a favourite amongst clients”

The Legal 500 UK 2022

“He is absolutely brilliant in his attitude and knowledge. He produces excellent work and has very good technical knowledge.”

Chambers & Partners 2021

“Sam is very adept at adapting his style to suit the case. He is also excellent with our clients and witnesses and has a very gentle manner whilst being knowledgeable and formidable on his feet. He is extremely well liked amongst clients who know that he will always give 100% to achieve their desired outcome. It is obvious that he puts a lot of effort into preparation to ensure that he fully knows and understands the papers.”

The Legal 500 UK 2021

“Knowledgeable, accessible, good with clients and always gets excellent results.” “He is incredibly organised in his approach, utterly unflappable and understands the practical side of housing.”

Chambers & Partners 2020

“A truly formidable advocate. Whether he is in the High Court, Court of Appeal or in the County Court, he is eloquent and nimble on his feet and devastating in cross-examination.”

The Legal 500 UK 2020

“Incredibly knowledgeable and calm, he’s fantastic to deal with.” “His friendly persona and ability to explain complex issues to the court make him a favourite among solicitors.”

Chambers & Partners 2019

“Possesses the knowledge and command of a barrister with many more years call.”

The Legal 500 UK 2019

“Has fantastic, practical insight into the realities of court decisions and how they impact clients. You can’t pay for that experience. In addition, he is thorough, quietly confident and his preparation is brilliant.”

Chambers & Partners 2018

Recent Reported Cases

Wilkes & Ors v Rudd [2024] EWHC Before Green, J. A boundary dispute forming part of a wider probate matter. Sam acted for the successful appellants against a finding of fact at trial that the evidence of a single joint expert should be preferred to the live, tested evidence of a party, who had direct knowledge of the boundary feature in question being removed and re-sited.

Longhurst v (1) Gristwood (2) Fovargue [2024] UKUT 415 (LC) Before Martin Roger KC (Dep. President). The final determination of multiple appeals against the First-Tier Tribunal’s determination(s) that the service of a s.13/14 notice engaged the jurisdiction of the Tribunal even in cases where there was a contractual rent increase mechanism.

Campbell v Phoenix and Ors [2024] EWHC 2308 (KB); [2024] 6 WLUK 460: Before Soole, J in the King’s Bench Division. Sam, leading Taylor Blair successfully resisted an appeal in which the High Court was asked to consider the extent to which a Circuit Judge was able to interpret the meaning of his own order some months after the same had been drawn and crucially, whether the content of the later order could, by inference, displace the obligation to file witness statements as set out in an earlier directions order. The Court provided further guidance on the test to be applied and the material that could properly be used in interpretation.

SAHA v Kelleway [2024] UKUT 53 (LC): Before Judge Cooke in the Upper Tribunal. Sam represented the successful appellant landlord to set aside the reasons of the FTT, while not interfering with the substantive order. The Decision provides useful clarity on when an appeal can be an abuse of process, whether the UT can alter the FTT’s reasons and when an agreement is a contractual as opposed to statutory periodic tenancy.

Lovett v Wigan Borough Council [2022] EWCA Civ 1631; [2023] 1 WLR1443; [2023] HLR 19: Before

Stuart-Smith, Birss and Edis LJ. The leading case on committals from the Court of Appeal giving guidance on sentencing options following breach of an Injunction under the Anti-Social Behaviour Crime and Policing Act 2014. Sam appeared as sole counsel for one of three landlords in joined appeals.

Thompson and Rickard v Collins & Collins [2020] UKUT 330; [2020] WLUK 179: Before Judge Martin FRICS. An application to discharge restrictive covenants to allow for farm land to be developed in accordance with the local plan.

Thomas v Smalling [2020] EWHC 3816 (Ch); [2020] WLUK 336; Before Trower J. The Court considered the effect of a Gifted Deposit Form and an appeal against a case management decision, which prevented the Defendant/Appellant from giving evidence at trial. The Court held that a GDF is generally decisive as to beneficial interests even if not signed at the time of purchase.

Frejek v Frejeck & Foote [2020] EWHC 1181 (Ch); [2020] 5 WLUK 157; Before Roth, J, at a hearing held via Skype. Successfully argued for findings of contempt of court against the former executor of a will for failure to comply with an order made in the Chancery Division. The Court was persuaded to make findings of fact in the absence of the Defendant, applying *Sanchez v Oboz [2015] EWHC 225 (Fam)*.

LB Haringey v Simawi and Secretary of State for Communities and Local Government [2019] EWCA (Civ) 1770; [2020] All ER 701; [2020] PTSR 702; [2019] WLUK 445; [2020] HLR 13; Before Lewison, Bean and Baker LJ, who rejected the Defendant's appeal of the decision of Murray J. Sam was led by Nicholas Grundy QC. The underlying claim related to a declaration of incompatibility (between Article 14 of ECHR and the succession provisions of the Housing Act 1985).

City of Westminster v Harman The Times 29 July 2019 (CC); Successfully resisting an application for permission to appeal a possession order premised on sub-letting via AirBnB and obtaining a record £100,000 unlawful profits order (also reported in the Telegraph). Sam was instructed on behalf of the landlord.

LB Haringey v Simawi and Secretary of State for Communities and Local Government [2018] EWHC 2733 (QB); [2019] 2 All WE 334; [2019] PTSR 615; [2018] 10 WLUK 342; [2019] HLR 13; [2019] 1 P&CR; Before Murray and Supperstone, JJ, rejecting the Defendant's application for a declaration of incompatibility (between Article 14 of ECHR and the succession provisions of the Housing Act 1985). Sam was instructed on behalf of the successful Claimant landlord.

LB Haringey v Simawi and Secretary of State for Communities and Local Government [2018] EWHC 290 (QB); Before Nicklin, J, considering whether a defence based on a declaration of incompatibility (Article 14) should proceed, even if the underlying possession claim became academic and where all parties have the benefit of some form of public funding.

Richards v IPT and 19 others [2017] EWHC 560 (QB); Before Nicol, J, successfully arguing that an Extended Civil Restraint Order could be made against an individual even if only one entirely without merit claim had been issued against multiple defendants, on the basis that each defendant had a without merit claim made against them.

Qualifications

- M.A. (Hons) in International Relations from the University of St Andrews, (First Class specialist modules in International Legal Regimes and Conflict Intervention);
- Graduate Diploma in Law, City Law School (Distinction)
- Bar Professional Training Course, City Law School (VC, Outstanding in Civil Litigation and Civil Remedies)
- Sam Phillips was one of the five Inns of Court Law School Scholars in 2011

Articles and Publications

- *All that glitters is not (necessarily) gold*. Joint article with Charlotte Braham of BP Collins, discussing the role of experts in Private Client litigation. [Click here to see the article](#).
- Landlord and Tenant Review, vol 23 – ‘*Succession, Survivorship and Incompatibility with Human Rights: The Saga Continues*’ (2019 LTRev Issue 3)
- Landlord and Tenant Review, vol 22 – ‘*Succession, Survivorship and Incompatibility with Human Rights*’ (2018 LTRev Issue 3)
- *Considering the impact of LB Haringey v Simawi and Secretary of State for Communities and Local Government [2018] EWHC 290 (QB) on future possession claims and other applications for declarations of incompatibility*.
- Law Society Gazette (Property) – ‘*Clarity needed for process for obtaining writs of possession*’ (October 2017) *Examining the effect of the recent High Court case of Partridge v Gupta on the notice requirements for possession order enforcement*.

Professional Memberships

Contentious Trusts Association (ConTrA)
Chancery Bar Association

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