



Kerry Bretherton KC

Year of call: 1992 | Silk: 2016

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“an accomplished silk with a wealth of expertise in real estate litigation” Chambers and Partners 2022

Kerry Bretherton KC is recognised as an outstanding silk in property work. She has acted in the Supreme Court and Court of Appeal in a number of the leading property cases and was nominated for property litigation silk of the year by Legal 500 in 2022. Kerry litigates and advises in all aspects of property, and property development. She also acts in commercial disputes often arising out of development or property transactions and associated professional negligence. Typically, her work involves high value and complex disputes.

Kerry is *“ferociously tenacious”* and *“excellent on her feet”*. She is also *“Fantastic to work with nothing is too much trouble and her response times are amazing”*.

Kerry is experienced in the full range of property disputes including options and overage, freehold covenants, restrictive covenants, easements, commercial and residential landlord and tenant, conveyancing disputes, mortgages, nuisance, public rights of way, trusts, and she has a particular interest in building safety work. Her commercial and professional negligence work involves disputes arising out of development/property matters.

Kerry is co-author of *“The Electronic Communications Code: A Practical Guide”* the 2nd edition is due for publication in May 2023 and a contributor to *“Service Charges and Management 5th Edition”*.

Areas of expertise

Property and Real Estate Litigation

Landlord and Tenant

Commercial Disputes

Highways, Footpaths and Rights of Way

Town or Village Greens, Commons and Public Rights of Way

Alternative Dispute Resolution

Professional Negligence

Highways, Footpaths and Rights of Way

"Kerry is incredibly knowledgeable and can put complex law into lay terms for clients to understand."

The Legal 500 2022

Kerry has acted in recently reported, high profile cases involving rights of way and is experienced in disputes about highways and footpaths. She is currently co-writing a book on rights of way.

Cases of Note

- ***In the matter of a dispute regarding an alleged restricted by-way*** - Kerry acts for the land-owner in a dispute between a local authority and the land-owner about whether a road is a restricted by-way. The case concerns arguments about whether the road is a public path within the meaning of the Countryside and Rights of Way Act 2000 and if the road was not converted to a restricted by-way what type of road it was.
- ***Vance v Collerton [2019] EWHC 2866 (Ch)*** - Kerry succeeded in a high court appeal relating to the extent of a right of way in a high profile case widely reported in the press. She established that the Vances had not been entitled to remove a fence and hedge to allow access to their land for parking and had no right to park.
- ***Poste Hotels v Cousins [2020] EWHC 582 (Ch)*** - Kerry acted for the Claimant hotel and succeeded in establishing that the Defendant Ms Cousins was not entitled to park to obstruct access to the hotel laundry. The case also concerned arguments about an easement of parking alleged by Ms Cousins.

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