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Tom Carter

Year of Call: 2012

Telephone: 0115 947 2581



Overview

Tom became a member of Chambers in October 2013 following completion of his pupillage.

He studied law at the University of Nottingham, was awarded a Scholarship by Inner Temple and undertook the BPTC at Nottingham Law School.

He is registered with the Bar Council to undertake Public Access work and is able to receive instructions directly from lay clients, as well as those on the traditional professional client basis.

Outside of work, Tom plays music and enjoys reading and walking.

Expertise

Property & Real Estate

Tom has been consistently listed as a tier 1 leading junior barrister. He has a particular specialism in Japanese knotweed claims, being described as having been involved in “all of the agenda-setting cases”.

Tom appeared for the successful claimant at trial and in the Court of Appeal in *Network Rail Infrastructure Ltd v Williams* [2019] QB 601 which remains the leading authority on nuisance involving knotweed and has been cited in numerous other cases as the leading modern authority setting out the principles of the tort of nuisance.

The decision at trial also remains the benchmark for constructive knowledge against defendants being 2012/13 in light of the RICS and PCA guidance published at that time.

He also won on all issues in the Court of Appeal in the case of *Davies v Bridgend County Borough Council* [2023] EWCA Civ 80 which established that diminution in value is recoverable and is not pure economic loss. The case also established that where there is a continuing nuisance, the fact that knotweed encroached before the defendant came under a duty to treat does not provide a causation defence.

Tom is due to appear again in the Court of Appeal in June 2023 in the case of *Churchill v Merthyr Tydfil County Borough Council* where the court is considering whether to revisit the famous case of *Halsey v Milton Keynes General NHS Trust* [2004] 1 WLR 3002 on the question of whether compelling parties to enter into ADR is a breach of their Article 6 rights. The case has attracted widespread attention, with various interventions from third parties and is likely to redefine the landscape of civil litigation.

Tom has acted in hundreds of knotweed claims for claimants and defendants, in nuisance, misrepresentation and professional negligence. In addition, he has advised multiple ATE insurers on setting up their funding criteria for knotweed claims.

Many of Tom's cases have received widespread media attention, for example:

<https://www.dailymail.co.uk/news/article-10903307/Millionaire-cycling-tycoon-sues-neighbours-Japanese-knotweed.html>

(Tom acted for the successful defendants at trial)

<https://www.dailymail.co.uk/news/article-11674447/Furniture-designer-Japanese-knotweed-shed-700k-home-successfully-sues-seller.html>

(Tom acted for the successful claimant at trial)

<https://www.dailymail.co.uk/news/article-11429637/Woman-sued-pensioner-neighbour-Japanese-knotweed-faces-100k-legal-bill-court-loss.html>

(Tom acted for the claimant at trial)

<https://www.dailymail.co.uk/news/article-4806134/Worker-caught-dumping-Japanese-Knotweed-stream.html>

(Tom acted for the claimant, with the claim settling shortly before trial)

As well as knotweed claims, Tom regularly acts in property cases of all kinds, whether landlord and tenant disputes or property damage claims. Again, many of these have received widespread media attention, for example:

<https://www.dailymail.co.uk/news/article-11557509/Aristocrats-sue-Airbnb-landlord-135k-cut-power-deluxe-London-pad.html>

(Tom is acting for the defendant, judgment has been reserved)

Tom has also written a book providing a comprehensive overview of Japanese knotweed claims:

<http://www.lawbriefpublishing.com/product/knotweedandotherinvasiveplants/>

Examples of other cases in which Tom has acted include:

- Acting for the landlord in a claim worth £2.2m against a tenant alleging arson which destroyed a building in order to escape from a lease. The claim settled at a mediation shortly before trial.
- Acting for the defendant builders in a claim where it is alleged that power was turned off to the freezers in a scientific laboratory, destroying perishable items.
- Acting for the defendant in a claim alleging defective building works which settled shortly before a 6 day trial.
- Acting successfully for a large group of claimants in a group action against a landfill site for nuisance caused by smells.
- Acting for a landlord in a relief from forfeiture claim where the landlord took back possession of the whole property following a police raid of a cannabis factory in a flat upstairs.
- Acting for the defendant in a claim for diminution in value where the defendant admitted to having unlawfully demolished the claimant's house but then discovered a cannabis factory hidden underground. Following arguments about the value of the property, the claimant ultimately accepted the defendant's part 36 offer during the trial at the conclusion of the evidence.

Costs & Litigation Funding

Tom appeared for the claimant in the Court of Appeal decision in *Richard Williams v Secretary of State for Business, Energy and Industrial Strategy* [2018] 4 WLR 147 where the Court of Appeal accepted that CPR 45.24 required proceedings to have been issued and judgment to have been entered before that rule could apply.

Tom is due to appear again in the Court of Appeal in June 2023 in the case of *Churchill v Merthyr Tydfil County Borough Council* where the court is considering whether to revisit the famous case of *Halsey v Milton Keynes General NHS Trust* [2004] 1 WLR 3002 on the question of whether compelling parties to enter into ADR is a breach of their Article 6 rights. The case has attracted widespread attention, with various interventions from third parties and is likely to redefine the landscape of civil litigation.

Tom regularly advises and acts in a wide variety of costs disputes.

Public Sector & Not for Profit

Tom has appeared in a number of judicial reviews and public law claims, including the case of *Mijanji v Secretary of State for the Home Department* [2017] EWHC 1939 (QB) where Tom was successful in the High Court in a claim for unlawful detention.

Tom also acted for the claimant in an unlawful detention claim which raised the question of whether a deportation order which was declared unlawful meant that the claimant's detention was retrospectively rendered unlawful. The case settled shortly before trial.

Recommendations

"Tom is very experienced and knowledgeable."

- Legal 500 2024

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