

Mark Brown

Partner

“Mark is an excellent litigator and has angles and views on every issue.”

(Chambers & Partners 2024)



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Mark is a highly experienced property litigator, with specialisms in the leisure sector dealing with asset of community value nominations and listings and Pubs Code disputes. He has acted for over 18 years on property litigation matters for major pub, restaurant, bar, late night venue and hotel owners and operators.

More broadly, Mark regularly advises on heavyweight landlord and tenant disputes (typically forfeitures, dilapidations claims, contested lease renewals and break clause disputes) and on issues to unlock developments, where his work sometimes crosses over to advise on planning policy interpretation.

Mark is listed as a Recommended Lawyer in the Legal 500 (2022 edition) and recognised as a Leading Individual in Band 1 of Chambers & Partners (2024 edition). His team also is top-ranked in each current edition.

Legal Services

Arbitration

Mark has a substantial track record of arbitration cases, having acted for parties in over 30 statutory Pubs Code arbitrations, a number of ad hoc arbitrations and as legal assessor to arbitrators and experts, often dealing with legal issues arising in rent review arbitrations. Mark is also familiar with running appeals from arbitration Awards, having acted for several appellants (including cases applying to remove arbitrators accused of bias and misconduct).

Selected Cases

- Advised the landlord of a famous venue on the south bank concerning the proper interpretation of rent review assumptions and disregards concerning fixtures and fittings.
- Acted for the former tenant of a famous entertainment venue in South London, claiming damages for breach of the Pubs Code.
- Advised an arbitrator on ambiguous rent review provisions in a hotel lease concerning indexation and the formula to be applied.
- Acted for the landlord of a flagship restaurant in Shoreditch, in rent review arbitration, on issues concerning the permitted user of the property which went to value.
- Acted for the tenant of a public house in Covent Garden, advancing the tenant's case on whether or not the lease contained a mistake concerning the hypothetical term within the rent review provisions.
- Acted for the tenant of a large hostel in Shoreditch, advising on ambiguities contained within the rent review provisions concerning the physical configuration of the property to be used for rent review purposes.

Real Estate Litigation

Mark often advises on large dilapidations claims. Examples include advising Grant Thornton in its High Court defence of a terminal dilapidations claim following the relocation of its headquarters, and advising the tenant of the Royal Vauxhall Tavern in Vauxhall on enforcing its landlord's repairing obligations to the roof and structure of the building prior to the visit of Prince William in June 2023.

Mark is an expert in dealing with contested lease renewals, having advised on cases across Central London

Selected Cases

- Advising a Fintech company on the exercise of its break clause of three separate units in the same building, all challenged by its landlord, as well as assisting with the terminal dilapidations claims.
- Advising a large pub company on challenging the terms of a restrictive covenant against using a property as anything other than a pub, running competition arguments against the beneficiary of the restrictive covenant. The pub was converted to a convenience store.
- Pursuing a professional negligence claim against another solicitor that let his clients down during the pandemic, by advising that it was lawful to forfeit a lease by peaceable re-entry, when it was unlawful.

Assets of Community Value

Mark is the leading solicitor in this area of law, having advised owners on over 300 nominations and listings, including the following types of land and buildings:

- Public houses, where Mark has acted in the most important First Tier Tribunal and Upper Tribunal cases.

- Sporting facilities and fields.
- Country Houses.
- Former cinemas / theatres.

He has also pursued compensation claims on behalf of owners, including a £3.5m compensation claim in the First Tier Tribunal (settled after the owner gained planning consent for alternative use).

Sectors

Drinks, Hospitality & Leisure

Mark has in particular acted for the owners of public house for many years, advising on real estate and landlord and tenant disputes. Over the past few years Mark has been involved in some of the most high-profile cases concerning public houses.

Selected Cases

- Acting for the owner in the removal of Vince Power from the Kensington Park Hotel in Notting Hill following a two week trial. The case went to the Court of Appeal and received press coverage in the Guardian and Evening Standard, as have some of the other cases Mark has been involved in.
- Mark is regularly heavily involved in disputes concerning the development of public houses in Central London and across the country, with his work spreading to include the removal of restrictive covenants, and advising on objections to assets of community value nominations and listing reviews, where Mark is the market leader and is helping to shape the law for owners.
- Mark has also become involved in advising on discrete issues arising from the ACV listed status of public houses in planning appeals – often working hand in glove with external planning consultants and our own in-house planning lawyers.