Annabel Nuttall Heath

Year of Call: 2010



Practice Summary

Annabel Nuttall Heath is a leading junior with a specialist practice in housing, homelessness and public law. She is recognised for her expertise in complex homelessness appeals and judicial review claims and has appeared in leading authorities including *Elkundi* and *Biden*.

Ranked by Chambers and Partners and Legal 500, Annabel combines technical housing law expertise with extensive experience in Equality Act 2010 and local authority decision-making. She is panel counsel to the Equality and Human Rights Commission (2024–2028) and a contributing author to *Supperstone, Goudie and Walker: Judicial Review*.

Prior to joining chambers she spent 7 years as a solicitor (2013-2020) working at international law firm Gowling WLG (UK) LLP.

Outside practice, Annabel enjoys spending time with her family and is actively involved in her local community. She serves as a parish councillor and organises a community initiative providing care packages for parents unexpectedly spending time in Worcester Hospital's neonatal intensive care unit.

Housing

Annabel represents both landlords and tenants in all housing related matters and is well versed in claims where the Equality Act 2010 is in issue. She is not afraid to argue novel points of law and applies a robust and technical approach to her cases.

She is often instructed on multi-day housing trials or to advise on complex matters of policy. Some recent work includes:

- Acting for a local authority on a 3-day succession trial where the lawfulness of the authority's policy was in issue;

Acting for a local authority on an Equality Act damages claim arising out of a failure to provide suitable temporary accommodation under s193(2) Housing Act 1996;

Acting for a tenant in a possession claim where there were ongoing issues as to capacity and all allegations of anti—social behaviour were linked to the tenant's disability;

Acting for a local authority on a dispute as to whether the agreements to provide temporary accommodation were leases or licences in the context of disrepair claims;

Acting for a housing association regarding the interpretation of a rent review clause in a shared ownership lease.

Some of her cases of note include:

R (Elkundi and others) v Birmingham City Council [2021] EWHC 1024 (Admin)

Mrs Michelle Biden v Waverley Borough Council [2022] EWCA Civ 442

R (Elkundi) v Birmingham [2022] EWCA Civ 601

R (Oday Yabari) v The Lord Mayor and Citizens of the City of Westminster [2023] EWHC 185 (Admin)

Kaur v Birmingham City Council. County Court at Birmingham. 12 January 2025 (whether the local authority granted temporary accommodation under a lease or a licence, permission to appeal to the High Court was refused by Tipples J) (https://nearlylegal.co.uk/2025/06/the-wrong-sort-of-exclusive/)

Administrative and Public Law

Annabel has a keen interest in all aspects of administrative and public law and extensive experience acting for Claimants and Defendants in judicial review claims. Her public law practice focuses primarily on local government policy and practice, with an emphasis on housing, homelessness and discrimination claims.

Annabel writes for one of the leading legal commentaries: Supperstone, Goudie and Walker: Judicial Review and is currently panel counsel to the Equality and Human Rights Commission (2024-2028).

Examples of Annabel's recent work include:

Advising on a freedom of information request where it may prejudice the investigation into a local councillor;

R (MV) v Lewisham LBC [2025] EWHC 280 – concerning the quashing of a pre-existing nullity;

Advising a local authority on the lawfulness of their tree management policy, with particular regard to compliance with the provisions of the Equality Act 2010;

Auditing a local authority’s homelessness function;

Acting for a building management company who was added as a party to a judicial review claim. Annabel successfully had the claim dismissed, arguing that her client was not amenable to judicial review.

Property

Annabel has experience advising clients in landlord and tenant matters including in the First-Tier Tribunal. She has a particular interest in service charge disputes. In addition she has a particular interest in agricultural law and has a particular understanding of the agricultural sector. Annabel’s father farmed cattle when she was growing up and she currently lives in a rural community surrounded by arable farms.

Prior to commencing pupillage she spent 7 years working at international law firm Gowling WLG (UK) LLP specialising in housing and property litigation. Whilst at Gowling WLG, Annabel advised a range of clients, including local authorities, social housing providers, pension funds and developers regarding various property disputes with particular expertise in tenants’ rights of first refusal, agricultural law and property based professional negligence claims.

During her previous career as a property disputes solicitor Annabel has gained a wealth of experience including:

Advising a national housing builder whether an option agreement relating to the development of a new town had been terminated by conduct and/ or whether a repudiatory breach had occurred.

Acting for a social landlord in a circa £2million professional negligence claim against a leading firm of solicitors regarding the grant of shared ownership subleases for terms longer than the headlease.

Advising a social landlord on a complex mixed use vacant possession strategy including opposed 1954 Act proceedings on the basis of redevelopment, commercial forfeiture and insolvency. The purpose of the strategy was to enable a major redevelopment with a GDV of £750 million.

Advising a national house builder on a vacant possession strategy involving the termination of a number of agricultural tenancies.

Advising a care provider on whether there was an obligation to serve notices under the Landlord and Tenant Act 1987 prior to the sale of a care home and linked retirement village.

Notable Cases

R (MV) v Lewisham LBC [2025] EWHC 280 –the quashing of a pre-existing nullity;

R (SBM) v City of Westminster (1) Pinnacle Group (2) – successful dismissal of claim against Second Defendant on the basis they were not carrying out a public function;

R (Oday Yabari) v The Lord Mayor and Citizens of the City of Westminster [2023] EWHC 185 (Admin); [2023] PTSR 1039;

Mrs Michelle Biden v Waverley Borough Council [2022] EWCA Civ 442; [2022] PTSR 1056 – duty of enquiries where applicant is transgender and disabled;

R (Elkundi and others) v Birmingham [2022] EWCA Civ 601; [2022] QB 604 – leading case on the nature of the duty to provide accommodation under the main housing duty;

R (Elkundi and others) v Birmingham City Council [2021] EWHC 1024 (Admin) [2021] WLR 4031 – nature of the duty provide accommodation under the main housing duty.

Recommendations

Chambers and Partners Band 2: Social Housing (Midlands) 2025

"Annabel is a good advocate who is well prepared and well liked by judges. She presents cases clearly and robustly, and is able to explain complex matters in an easy-to-understand and concise way."

"Annabel Heath is a strong advocate."

"Annabel is tenacious, knowledgeable and charming, and an invaluable asset on any case. One can trust in her unwavering commitment to provide absolute excellence in every instruction received."

Legal 500 Leading Junior: Social Housing (Midlands) 2025

"Annabel is a highly skilled advocate with exceptional attention to detail, able to identify and successfully argue novel points of law. She also has an exceptional approach to client care, working with clients with complex mental health problems with empathy and professionalism. Her advocacy is fluent and well prepared, and she robustly and confidently makes representations whilst maintaining a professional and ethical stance at all times."

Legal 500 Leading Junior: Social Housing (Midlands) 2024

Direct Access

- Yes

Education

- MPhil, Classics, University of Birmingham
- MSc, Economic Policy and International Business, University of Birmingham
- BA (Hons), Classics, University of Birmingham
- GDL, Nottingham Trent University

- BVC, Nottingham Trent University
- Middle Temple Lord Diplock Scholar

Areas of Expertise

- Administrative Public Law
- Human Rights Equalities
- Homelessness
- Housing
- Local Government
- Property