

# EVEBRIEF

## Legal & Parliamentary

Volume 35(11) 12 August 2013

- |    |                   |    |               |
|----|-------------------|----|---------------|
| 01 | Landlord & Tenant | 12 | Compensation  |
| 02 | Planning          | 13 | Real Property |
| 10 | Leasehold Reform  | 14 | Construction  |
| 11 | Housing           | 15 | General       |

### GREAT BRITAIN



**Bhavesh Shah**  
Editor

With the recent good weather and associated positive vibes that these bring to our streets and communities, our consideration now turns to how to keep spirits high and people engaged in their local areas.

At item 15 we report a new Government consultation on a scheme which would enable landlords as critical long-term stakeholders to make contributions and have a voice about their locality. At a time when funding is limited, keeping investors engaged is key.

In a similar vein, the English Heritage report at item 17 considers how towns, particularly historical ones, need to reinforce and redefine their role and function in response to economic shifts in order to renew and revive their high streets and town centres.

Complementing the 'traditional' high streets and town centres theme, item 21 reports on how the legacy from the London 2012 Olympic and Paralympic Games has served as a catalyst for development and growth across the country, which otherwise would probably have taken much longer to achieve.

The combination of investment in our towns and communities, along with the bonus of good weather, has probably resulted in more people taking 'staycations' this summer. This may, in turn, have been a factor in the improved employment and housing transaction statistics (see item 11).

It is to be hoped that further good weather will help to maintain the higher footfall on our streets and numbers at visitor attractions, resulting in further engagement from local authorities and interest from investors with associated benefits to industry sectors and employment.



**GERALDEVE**

## LANDLORD & TENANT

01 High Court

**Tenant exercising break clause in lease – whether notice to terminate lease was valid in absence of express notice that it was given under s24(2) of the Landlord and Tenant Act 1954, as required by the lease**

\*\*SIEMENS HEARING INSTRUMENTS LTD V FRIENDS LIFE LTD (2013) PLSCS 164 – Decision given 12.07.13

**Facts:** Premises in Crawley were let by the defendant FL to the claimant SHI for a term of 25 years from 24.8.98. Clause 19 of the lease gave the tenant the option of breaking the lease on 23.08.13. In September 2012, within the notice period provided for in Clause 19, SHI's solicitors served notice on FL purporting to exercise the break clause.

**Point of dispute:** Whether the notice was effective to break the lease, even though it was not, as required by clause 19, expressed to be given under s24(2) of the Landlord & Tenant Act 1954. FL argued that there was no such thing as a notice under s24(2) and that the required formula was meaningless.

**Held:** The claim was allowed.

- i. The notice did not comply with Clause 19.
- ii. The principles to be applied in determining the effect of a non-compliant notice applied equally to statutory and contractual notices. Where a statute or contractual term stated what the effect of non-compliance would be, that was the end of the matter, but if it did not, the court had to assess the statutory or contractual intention using objective criteria including the background and purpose of the provision and the effect, if any, of non-compliance.
- iii. While non-fulfilment in any respect of the conditions for the exercise of an option would be fatal, the same might not be true as to the form of an advance notice of the exercise of an option.
- iv. In this case the notice was not invalidated by the failure to state that it had been given under s24(2) of the 1954 Act. Although everything else in the option process, in particular the timeliness of the notice and the fulfilment of the pre-conditions, was almost certainly mandatory, to hold that the use of required words in Clause 19 was mandatory would be to adhere slavishly to a supposed rule of construction that made everything about the process of exercising an option mandatory. One should not attribute to the parties an intention to make the tenant's exercise of an important right dependent on compliance with a meaningless formula.

## PLANNING

02 Court of Appeal

**Enforcement notice – planning permission for alterations to a barn to provide ten stables and ancillary accommodation – permission not implemented – deputy judge holding that enforcement notice went beyond what was necessary and that breach could be remedied by altering building – whether judge taking impermissible approach**

\*WILLIAMS V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT (2013) PLSCS 184 – Decision given 26.07.13

**Facts:** In 2006 the relevant local planning authority granted W planning permission to convert a barn on his farm to provide ten stables, a tack room, a feed store and an office in accordance with plans submitted with the planning application. The building, which was subsequently constructed, did not accord with those plans. W's application for retrospective planning permission to retain the building was refused and the council served an enforcement notice requiring its demolition. The inspector appointed by the Sec of State dismissed W's appeal against the notice finding that the building was materially different from that envisaged in the 2006 permission.

**Point of dispute:** Whether to allow the Sec of State's appeal against the ruling of the deputy judge in the court below, who had allowed W's appeal against the inspector's decision, holding that the steps required by the enforcement notice went too far and that W could remedy the breach by making alterations to the new building so that it conformed with the 2006 permission.

**Held:** The Sec of State's appeal was allowed. The deputy judge's formulation of the issues had not reflected the way the case had been presented to him. It was common ground that the building, as built, was materially different from the previous building. The 2006 permission was for alterations, conversion and a roof extension and the inspector had found as a matter of fact that the development could not reasonably be called a conversion and was a new building. The deputy judge had therefore departed from the approach of all the parties and the inspector's findings in concluding that the 2006 permission allowed the substantial demolition of the old building and the provision of what was tantamount to a new one. It was not open to him to embark on a fact-finding exercise. The deputy judge's conclusion that W could remedy the breach by altering the new building rather than being required to demolish it depended on his flawed rewording of the 2006 permission and the enforcement notice. He had erred in law in his consideration of whether the steps required by the notice went beyond what was necessary and his order should be set aside.

## 03 High Court

**Appeal against grant of planning permission for wind turbine in green belt – whether inspector failing to take into account amount of energy generated and noise impact on properties with financial interest in development**

\*NEWARK & SHERWOOD DISTRICT COUNCIL V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT (2013) PLSCS 182 – Decision given 19.07.13

**Facts:** The second defendant sought planning permission for a wind turbine on his farm in the green belt. It would have only two blades and was expected to generate enough electricity for annual consumption by 112 residential dwellings based on a minimum efficiency of 20%. A noise impact assessment indicated that the predicted noise levels met specified noise limit criteria at the nearest residential property which had no financial interest in the development, but that noise levels at one of the farm properties would be excessive at times. The development was opposed by the parish council on the basis that the turbine would be inefficient, generating only a low proportion of its capacity, and would have an adverse effect on local residents. The claimant lpa refused planning permission on the grounds of significant harm to the visual amenity and appearance of the area and because there were no special circumstances to overcome that harm. The Sec of State allowed the second defendant's appeal against that decision.

**Point of dispute:** Whether to allow the claimant's application for an order quashing the Sec of State's decision. It contended that the inspector had erred: (i) in concluding that the amount of electricity generated was not relevant to whether there were very special circumstances and had misapplied government policy PPS22; (ii) in failing to take into account a probable breach of noise limits, or for failing to impose a condition to control noise; and (iii) in granting permission for a three-bladed turbine rather than the two-bladed turbine applied for.

**Held:** The application was dismissed.

- i. The interpretation of a planning permission was a matter of law for the court.
- ii. In appropriate circumstances it was permissible to read documentary provisions as being subject to addition, omission or even substitution.
- iii. In some circumstances a court might sever a condition from a planning permission and still allow it to stand if it dealt with some ulterior, collateral or trivial matter.
- iv. In this case the inspector had taken the amount of electricity to be generated by the turbine into account as a matter counting towards "very special circumstances" sufficient to outweigh harm arising from the inappropriate development in the green belt. Under PPS22 even a small amount of electricity generation was to be given significant weight.
- v. The inspector had not failed to consider the situation regarding noise limits at neighbouring properties and whether a condition regarding noise should have been imposed was a matter for her judgment. Her conclusion that a condition was not necessary was not perverse.
- vi. Although the inspector had made an error in requiring that the turbine submitted for approval should be three-bladed rather than two-bladed this could be dealt with as a matter of correction of an error by way of construction. On its true construction the relevant condition should be read as if the words "two-bladed" were substituted for "three-bladed".

## 04 Statutory Instrument

**SI 2013/1868 The Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2013**

W.e.f. 21.08.13 this Order makes a number of amendments to Class A of Part 24 of Schedule 2 to 1995 Order. Class A sets out permitted development rights in relation to certain development by electronic communications code operators, with the effect that such development is granted planning permission without the need for a planning application, but it often imposes limitations and conditions on the grant of planning permission.

<http://www.legislation.gov.uk/ukxi/2013/1868>

## 05 CLG Guidance

**Onshore oil and gas exploration**

Oil and gas are hydrocarbons which are essential to the UK's energy requirements. This guidance provides advice on the planning issues associated with the three phases of extraction of hydrocarbons from the earth's crust. It needs to be read alongside other planning guidance and the National Planning Policy Framework.

<https://www.gov.uk/government/publications/planning-practice-guidance-for-onshore-oil-and-gas>



## 06 Defra Policy Statement

**National Policy Statement for Hazardous Waste: A framework document for planning decisions on nationally significant hazardous waste infrastructure**

This NPS sets out Government policy for hazardous waste infrastructure. It will be used by the Sec of State as the primary basis for decisions on development consent applications for hazardous waste infrastructure that fall within the definition of a Nationally Significant Infrastructure Project (NSIP) as defined in the Planning Act 2008. In making decisions on these applications the Sec of State must also have regard to any local impact report submitted by a local authority in accordance with the Act, any matters prescribed that are relevant to the application and any other matters which it considers to be both important and relevant to any decision.

<https://www.gov.uk/government/publications/hazardous-waste-national-policy-statement>

## 07 CLG – Policy statement

**Updated national waste planning policy: Planning for sustainable waste management – determination under Regulation 9 of the Environmental Assessment of Plans and Programme Regulations 2004**

This statement sets out the Sec of State for Communities and Local Government's determination under Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 on whether or not a Strategic Environmental Assessment is required for the proposed update of national waste planning policy – Planning for Waste Management.

<https://www.gov.uk/government/publications/planning-for-sustainable-waste-management-determination-under-regulation-9-of-the-environmental-assessment-of-plans-and-programme-regulations-2004>

## 08 CLG Report

**Strategic Environmental Assessment of the revised national waste planning policy**

Land Use Consultants was commissioned by CLG to carry out Strategic Environmental Assessment of the revised national waste planning policy. Completion of the SEA would comprise three main phases:

- Phase 1: Strategic Environmental Assessment Screening – to determine whether the modifications to the revised national waste planning policy are likely to have significant environmental effects;

- Phase 2: Strategic Environmental Assessment Scoping – if Strategic Environmental Assessment is required, preparation of a Scoping Report describing what the assessment would cover and how it would be undertaken; and
- Phase 3: Strategic Environmental Assessment and production of Environmental Report

Following completion of this report and consultation in January – February 2013 it was concluded that the revised national waste planning policy is not likely to have significant environmental effects and therefore does not require a Strategic Assessment. It was not therefore necessary to complete Phase 3.

<https://www.gov.uk/government/publications/strategic-environmental-assessment-of-the-revised-national-waste-planning-policy>

## 09 CLG Guidance

**Planning practice guidance for renewable and low carbon energy**

This guidance contains advice on the planning issues associated with the development of renewable energy. Government practice guidance can be a material consideration in planning decisions and should generally be followed unless there are clear reasons not to. "Planning for Renewable Energy: A Companion Guide to PPS22" is cancelled.

<https://www.gov.uk/government/publications/planning-practice-guidance-for-renewable-energy>

## LEASEHOLD REFORM

10 Upper Tribunal (Lands Chamber)

### **Collective Enfranchisement – terms of acquisition of freehold and intermediate leasehold interests – whether LVT was wrong to apportion a sum to the respondent for the additional value attributed to removing a restriction in the transfer limiting the use of the basement flat in the building as a caretaker’s flat**

\*MONEY, CAREY–MORGAN & DAVIES V CADOGAN HOLDINGS LTD [2013]UKUT 0211 (LC) – Decision given 11 April 2013

**Facts:** 15 Tite Street, London SW1, a property comprising four flats and a maisonette. The freehold (owned by the respondent, CHL) was reversionary to two headleases – one for the basement until 25.3.33 (“the 2010 New Lease”) and one for the remainder of the building (“1984 Headlease”). The 1984 Headlease had restricted the use of the basement to a caretaker’s flat, while the 2010 New Lease also contained covenants to the same effect. The 2010 New Lease of the basement was granted to the appellants. Their collective claim for enfranchisement was admitted but the terms of the acquisition were not agreed. One matter in dispute was whether the transfer should contain a restriction on use of the basement flat to a caretaker’s. The LVT held that the transfer should not be restrictive and in valuing CHL’s interest it concluded that as the restriction in use had been removed the respondent was entitled to receive an additional sum (£161,750) by way of compensation. The appellants appealed against that decision.

#### **Points of dispute:**

- i. Whether the sum of £161,750 should have been regarded as marriage value within the provisions of para 4 of Schedule 6 of the 1993 Act and thus disregarded in the valuation exercise.
- ii. Whether the LVT was wrong to include this element of value when valuing the freeholder’s interests under para 3 of Schedule 6, either because it was hope value which should be excluded and/or the LVT were not entitled to make such valuation assumptions.

**Held:** The appeal was allowed.

- i. Para 4 of Schedule 6 defines marriage value as a form of value “attributable to” the potential ability of the participating tenants upon enfranchisement to have new leases granted to them, it does not refer to the variation of existing leases. In this case there was more than one way in which the restriction on the basement flat could be lifted, but in any event the value locked in the restriction was still a potential benefit for the freeholder on release. It was not contingent upon a claim for enfranchisement, nor did it depend upon freehold and leasehold interests being merged. However, this did not mean that this value could not be considered in the valuation of the freeholder’s interest under para 3.

- ii. Para 3, which considers the valuation of the freeholder’s interest, allows the valuer to make other “assumptions” with regard to value but these must be “appropriate”. The UT found that the LVT were entitled to assume that the hypothetical purchaser would pay more for the freehold on the assumption that they would receive a capital sum from the leaseholder in return for removing the restriction on use. This appeal was dismissed. However, the overall appeal was allowed solely on the ground that the LVT erred in its calculation of the freehold interest to reflect its decision that the transfer should not restrict the use of the basement flat to use as a caretaker’s flat. The appellants’ claim would be remitted to the LVT for redetermination of the price to be paid for the freehold of the building.

**Editor’s note:** Gerald Eve partner Julian Clark gave evidence for the respondent freeholder.

## HOUSING

11 HCA Bulletin

### **Homes and Communities Agency Housing Market Bulletin – 25 July 2013**

This bulletin provides up-to-date information on trends in the housing market and the economy.

- House prices and affordability ratios (house price to earnings) continue to rise. The Nationwide index shows that prices have increased by 1.9% since June 2012, the Halifax index shows an increase of 3.7% over the same period.
- Transaction numbers are increasing with first time buyers accounting for a relatively high proportion of mortgage lending. HMRC data shows that there were 11.5% more residential property transactions in the UK in June 2013 than in June last year. In May 55,900 loans for residential property purchase were made – 18.3% more than in the same month a year ago.
- Employment levels remain stable at around 29.7 million. Unemployment stands at about 2.51 million, 72,000 less than a year ago.
- UK GDP growth accelerated to 0.6% in the second quarter of 2013.
- Although still above target, inflation levels are fairly steady, currently 2.9% in the year to June 2013. CPI inflation (representing the cost of living) has grown more rapidly than pay since the beginning of 2010.

[http://www.homesandcommunities.co.uk/sites/default/files/our-work/housing\\_market\\_bulletin\\_july\\_2013.pdf](http://www.homesandcommunities.co.uk/sites/default/files/our-work/housing_market_bulletin_july_2013.pdf)



## COMPENSATION

12 Court of Appeal

### **Award of compensation following compulsory purchase of former mill – whether Lands Tribunal had erred in awarding defendant company compensation for management time spent by directors on dealing with acquisition and in its assessment for lost rent**

\*LANCASTER CITY COUNCIL V THOMAS NEWALL LTD  
[2013] All ER (D) 154 (Jul) – Date of decision 11.07.13

**Facts:** The defendant company, TN, owned a former mill which was subject to a CPO. As well as compensation for the value of the freehold interest in the land the Upper Tribunal (Lands Chamber) (“the tribunal”) also awarded TN compensation for “management time” spent by its directors on the acquisition. It also made awards for loss of rent as follows: (i) in respect of a tenant who had vacated its unit because of the proposed CPO; (ii) that the freehold attracted a long term vacancy rate of 15% and in calculating the loss of rent in respect of each unit the tribunal identified the annual estimated rental value (ERV) for each unit and made a deduction of 25% for “outgoings and voids”, that deduction including the same 15% deduction that it had used in its valuation of the freehold; and (iii) in the absence of the CPO the company would have been able to increase rents for the occupied units to market level – the tribunal considered that it was reasonable therefore to award compensation for all units within that category on the basis that the rent payable would have increased to market value six months after the date when the company was notified of the acquisition.

**Point of dispute:** Whether the council’s appeal would be allowed against the tribunal’s award.

**Held:** The appeal was allowed on three out of four counts.

- i. In considering management time, it was not enough to show that a director had spent time dealing with the acquisition. It had to be proved how his devotion of such time had impacted upon the company and caused it loss, but TN had not produced any relevant evidence of this nature.
- ii. With regard to the tenant who had vacated its unit the tribunal had failed to give any reasons for its decision, so that part of the award should be set aside.
- iii. There was no error of law in the tribunal’s decision to exclude a 15% deduction for voids when determining the rent lost to the company in consequence of units becoming vacant by reason of the proposed compulsory purchase. The authority’s appeal on this issue was dismissed.
- iv. With regard to the issue of the date upon which the company could have increased rents for occupied units had it not been for the CPO, the tribunal’s method of assessment had not been justified by the evidence and had been an error of law.

## REAL PROPERTY

13 Court of Appeal

### **Discharge of restrictive covenants – Section 84 Law of Property Act 1925**

\*TRUSTEES OF COVENTRY SCHOOL FOUNDATION V  
WHITEHOUSE  
[2013] PLSCS 170 – Decision given 18.07.13

**Facts:** The appellants were trustees of a school which owned land in Coventry laid out as playing fields. The land was subject to a restrictive covenant contained in a 1931 conveyance which prohibited the erection of buildings “for any noisy pursuit or occupation or for any purpose which shall or may be or grow to be in any way a nuisance damage annoyance or disturbance to the vendors or their successors in title or which may tend to depreciate or lessen the value of the vendors’ adjoining property”. The then vendors’ retained land had been developed for housing, four of the houses being owned by the respondents, W. In 2010 the appellants obtained planning permission to construct a two-storey school building on their land which was to accommodate two existing junior schools under one roof and to cater for an expansion in pupil numbers from 280 to 400 pupils. W contended that the development would breach the restrictive covenant.

**Point of dispute:** Whether to allow the appellants’ appeal against the ruling of the judge in the court below who dismissed their application for declarations that the restrictive covenant had ceased to benefit the retained land, and that the development would not, in any event, breach that covenant.

**Held:** The appeal was allowed.

The judge had erred in finding that traffic issues resulting from the school would be in breach of the restrictive covenant. Although it was possible for a prohibition on nuisance or annoyance caused by traffic or traffic increase to be covered by a restrictive covenant, traffic was not a problem in 1931 and the restrictive covenant in the conveyance did not deal with traffic matters. The covenant was aimed at activities on the burdened land which could be a source of nuisance, such as fumes or noise from an offensive trade or business. Although the increase in traffic would have a connection with the proposed school the source of the traffic nuisance would arise from lawful use of the highway by the general public, not the carrying out of any prohibited activity on the burdened land.

## CONSTRUCTION

14 CLG Circular

### **Amendments to Approved Documents A and C: circular 02/2013**

The purpose of this Circular is to announce the approval and publication of amendments to Approved Documents A (structure) and C (site preparation and resistance to contaminants and moisture).

<https://www.gov.uk/government/publications/amendments-to-approved-documents-a-and-c-circular-022013>

## GENERAL

15 CLG Consultation

### **Property owners and business improvement districts – formalising the role of property owners, who are not ratepayers, in Business Improvement District Schemes Deadline for Comments: 17.09.13**

In her independent report into the future of high streets Mary Portas recommended that the government should legislate to allow landlords to become high street investors by contributing to their business improvement district. The government recognises that property owner business improvement districts could strengthen the part that landlords play in the future of the high street and in promoting growth. This consultation seeks views on a framework for allowing such schemes.

<https://www.gov.uk/government/consultations/property-owners-and-business-improvement-districts>

16 Defra Consultation

### **Draft noise action plans Deadline for Comments: 29.10.13**

This consultation invites views on the second round of noise action plans which will revise those which have previously been adopted. There are three draft plans, covering roads, railways and agglomerations (large urban areas). The action plans have been prepared in line with the terms of the Environmental Noise Directive which requires Member States to produce noise maps every five years charting the level of noise from industry and transport sources and the number of people exposed to it. The action plans are produced as a result of the maps to provide guidance to those responsible for managing the noise, on how best to do so.

<https://www.gov.uk/government/consultations/draft-noise-action-plans>

17 English Heritage Report

### **The Changing Face of the High Street: Decline and Revival – A review of retail and town centre issues in historic areas**

In recent years social, demographic and technological changes have combined to affect town centre uses and character in many ways, including local historic character embodied in town centre buildings, their range of uses, street pattern and layout. The aim of this report, which is the product of research commissioned by English Heritage in partnership with the Historic Towns Forum, is to better understand the changes that have occurred in recent years. It examines current policy and retail context and what impact these might have on historic town centres and high streets at a critical point in time, when their role and function needs to be redefined and reinforced in response to economic shifts and a new national planning policy context. These challenges will be particularly felt by historic town centres. This report considers emerging trends and their effect on historic high streets and town centres through the identification and analysis of a number of case studies where local authorities and others have sought to renew and revive their high streets and town centres.

<http://www.english-heritage.org.uk/publications/changing-face-high-street-decline-revival/>

18 CLG Publication

### **Sustainable Communities Act 2007: Decisions on proposals submitted following the 2008 invitation**

This document sets out the Sec of State's decisions on proposals that have been submitted to the Government by communities and local councils under the Sustainable Communities Act 2007. Each decision is accompanied by a reason and, where the proposal is being taken forward, an Action Plan for implementation.

<https://www.gov.uk/government/publications/sustainable-communities-act-2007-decisions-on-local-councils-proposals-to-improve-local-areas>

19 Defra Guide

### **London 2012 Olympic and Paralympic Games – The Legacy: Sustainable Procurement for Construction Projects**

The purpose of this guide is to share information concerning sustainable procurement of construction projects from the London 2012 Olympic and Paralympic Games.

<https://www.gov.uk/government/publications/london-2012-legacy-sustainable-procurement-for-construction-projects>



---

20 Defra Publication

---

### **Sustainable Development Indicators (SDIs) July 2013**

---

These indicators provide an overview of national progress towards a more sustainable economy, society and environment. This is a revised set of indicators replacing the previous SDIs which had been maintained by Defra since 2001 and is formed of fewer indicators: 12 headline and 23 supplementary indicators, comprising 25 and 41 measures respectively. The reduced size follows the example of other national institutions in identifying a core set of headline indicators to highlight sustainable development priorities for users and government. It was also prompted by the need for alignment with the National Statistics' (ONS) development of national well-being measures.

<https://www.gov.uk/government/publications/sustainable-development-indicators-sdis>

---

21 GLA Publication

---

### **Inspired by 2012: The legacy from the London 2012 Olympic and Paralympic Games**

---

This report describes the activities which have been taking place since last year's Games to build a lasting legacy across a number of commitments including:

- sport and healthy living;
- the regeneration of East London;
- bringing communities together;
- the Paralympic legacy; and
- economic growth.

Although the legacy is described as a ten-year project considerable progress has already been made. The report includes a forward by the Prime Minister and the Mayor of London, an assessment of progress and next steps by Lord Sebastian Coe (the Prime Minister's Olympic and Paralympic Legacy Ambassador) and comment from the President of the International Olympic Committee. In conjunction with this report there is a summary of programmes which continue and build on the London 2012 legacy

<http://www.london.gov.uk/priorities/business-economy/publications/inspired-by-2012-report>

---

22 Greater London Authority Research

---

### **London 2012 Games evaluation**

---

During 2012/13 the GLA carried out a programme of research to explore the impact that the London 2012 Olympic and Paralympic Games and the work of the GLA has had on the opinions, behaviour and attitudes of Londoners and visitors to London. This document contains the results of that research.

<http://www.london.gov.uk/priorities/planning/publications/london-2012-games-evaluation>

---

23 GLA Publication

---

### **Culture on the High Street**

---

This guide aims to help local authorities, town centre managers and business improvement districts to improve the quality and ambition of culture on London's high streets. The 16 case studies aim to show how embracing culture is integral to high street regeneration.

<http://www.london.gov.uk/priorities/arts-culture/publications/culture-on-the-high-street>

# GERALD EVE'S UK OFFICE NETWORK

Gerald Eve LLP is an independent firm of chartered surveyors and property consultants, employing more than 330 staff across the UK.

We provide a comprehensive range of services to our private and public sector clients — including more than 40 per cent of the FTSE100 — covering agency, corporate property management, professional and transaction-based advice.

Our philosophy is to serve clients by identifying opportunities and solving problems relating to property through the provision of high quality, thoroughly researched cost effective advice.

## London (West End)

Hugh Bullock Tel. 020 7493 3338  
hbullock@geraldeve.com

## London (City)

Simon Prichard Tel. 020 7489 8900  
sprichard@geraldeve.com

## Birmingham

Alan Hampton Tel. 0121 616 4800  
ahampton@geraldeve.com

## Cardiff

Joseph Funtek Tel. 029 2038 8044  
jfuntek@geraldeve.com

## Glasgow

Ken Thurtell Tel. 0141 221 6397  
kthurtell@geraldeve.com

## Leeds

Philip King Tel. 0113 244 0708  
pking@geraldeve.com

## Manchester

Rupert Collis Tel. 0161 830 7070  
rcollis@geraldeve.com

## Milton Keynes

Simon Dye Tel. 01908 685 950  
sdye@geraldeve.com

## West Malling

Andrew Rudd Tel. 1732 229 420  
arudd@geraldeve.com



To add your name to the evebrief distribution list, please contact us at [evebrief@geraldeve.com](mailto:evebrief@geraldeve.com)

Evebrief has been established for more than 30 years. It is a summary of the latest statutory and legal cases affecting the property industry and is widely regarded in the industry as the most comprehensive document of its type.

### Evebrief editorial team

Tony Chase  
Steve Hile  
Peter Dines  
Hilary Wescombe  
Gemma Dow  
Ben Aldridge  
Annette Lanaghan  
Ian Heritage

### Abbreviations

The following abbreviations are used in evebrief:

BLD	Lexis Nexis Butterworths (internal abbreviation)
EG	Estates Gazette
EGLR	Estates Gazette Law Reports
EWCA	England & Wales Court of Appeal
EWHC	England & Wales High Court
P&CR	Property, Planning and Compensation Reports
PLSCS	Property Law Service Case Summaries

### The star system

Cases are marked with one, two or three stars as follows:

- \*\*\* Essential reading on the point of law or valuation with which the case is concerned, because it adds to, or clarifies or changes, the law.
- \*\* Noteworthy case which does not significantly alter the law or which relates to a relatively obscure point.
- \* Interesting but non-essential reading.

### Contact details

If you require full details of any of the cases presented in this publication, or would like to discuss them in further detail, please contact our specialists:

### Agency

Simon Prichard Tel. 020 7489 8900  
sprichard@geraldeve.com

### Compensation & Compulsory Purchase

Tony Chase Tel. 020 7333 6282  
tchase@geraldeve.com

### Building Consultancy

David Murgatroyd Tel. 0121 616 4808  
dmurgatroyd@geraldeve.com

Miles Thompson Tel. 020 7333 6395  
milesthompson@geraldeve.com

### Environment & Contamination

Keith Norman Tel. 020 7333 6346  
knorman@geraldeve.com

### Landlord & Tenant

Graham Foster Tel. 020 7653 6832  
gfoster@geraldeve.com

### Leasehold Reform

Julian Clark Tel. 020 7333 6361  
jclark@geraldeve.com

### Minerals & Waste Management

Philip King Tel. 0113 244 0708  
pking@geraldeve.com

### Planning & Development

Hugh Bullock Tel. 020 7493 3338  
hbullock@geraldeve.com

### Rating

Jerry Schurder Tel. 020 7333 6324  
jschurder@geraldeve.com

### Real Property

Annette Lanaghan Tel. 020 7333 6419  
alanaghan@geraldeve.com

### Valuation

Mark Fox Tel. 020 7333 6273  
mfox@geraldeve.com

### Gerald Eve Research

One of our key roles at Gerald Eve Research is to communicate with our clients and others; to inform them, for example, on our latest thinking on topical issues such as legal matters and the implications for broader property market trends.

For more information on our research services please contact:

Robert Fourt  
Partner  
Tel. 020 7333 6202  
rfourt@geraldeve.com

### Disclaimer & Copyright

Evebrief is a short summary and is not intended to be definitive advice. No responsibility can be accepted for loss or damage caused by any reliance on it.

© All rights reserved

The reproduction of the whole or part of this publication is strictly prohibited without permission from Gerald Eve LLP.

# EVEBRIEF

## Legal & Parliamentary

Volume 35(11) 12 August 2013

01 Wales

### WALES

---

01 Statutory Instrument

---

**WSI 2013/1776 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013**

---

This Order, which comes into force on 30.09.13, amends the 1995 Order. It substitutes a new Part 1 of Schedule 2 to the 1995 Order making changes to the permitted development rights relating to the enlargement, improvement or alteration of a dwellinghouse.

<http://www.legislation.gov.uk/wsi/2013/1776/contents/made>

---

02 Welsh Assembly Government Consultation

---

**The future of our past: A consultation on proposals for the historic environment of Wales**

**Deadline for Comments: 11.10.13**

---

This consultation invites comments on proposals for improvements to current systems for the protection and sustainable management of Wales' historic environment and the delivery of historic environment services at national, regional and local level. A Heritage Bill, supported by policy development and public engagement has been identified as the key means of achieving the Government's objectives in this area. The provisions of this Bill will be informed by a detailed consideration of the responses to this consultation.

<http://new.wales.gov.uk/consultations/cultureandsport/heritage-bill/?lang=en>



GERALDEVE

---

03 Welsh Assembly Government Consultation

---

**Consultation on the draft policy statement for Protected Landscapes in Wales**

**Deadline for Comments: 20.09.13**

---

This consultation invites comments on the Welsh Government's draft strategic policy statement for Areas of Outstanding Natural Beauty and National Parks in Wales. It will replace the 2007 Statement.

<http://new.wales.gov.uk/consultations/cultureandsport/landscape/?lang=en>