Legal & Parliamentary

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evebrief

Editorial

Steve Hile

As we approach the last few days of 2008 there is no let up in legislation from Government or decisions from the Courts.

At item 12 we report on the House of Lords decision in Earl Cadogan v Sportelli, confirming that no addition should be made in leasehold enfranchisement valuations to reflect hope value. This means it will generally be cheaper for anyone extending their residential lease or purchasing the freehold. The only exception to this is where tenants collectively purchase the freehold as it was considered that they should pay the true market price for their investment.

At item 06 we report on the Lands Tribunal decision last month on the Vtesse Networks case. In this latest round the Valuation Office were successful in their battle to establish tone for the valuation of fibre optic telecommunications networks in the 2000 Rating List.

At item 08 we report on the Business Rates Supplement bill currently going through Parliament. This will allow all Billing Authorities to charge up to an additional 2p per pound of rateable value to fund local economic development. The Greater London Authority will be levying the maximum permitted with effect from 1 April 2010 to part fund Crossrail in what is becoming an increasingly controversial decision, as for many of these businesses it is not yet clear what the economic benefit will be.

Finally on behalf of the Evebrief Editorial Team, I would like to take the opportunity to wish all our readers a very merry Christmas and a happy New Year.

Steve Hile

GeraldEve

Landlord & Tenant

01

Court of Appeal

Mansion block owned by appellant company, shares in which were held by leaseholders — articles of association amended to include provision for establishing capital reserves and sinking funds and contribution to them by company members — whether contribution recoverable from respondent leaseholder — whether a service charge

***** MORSHEAD MANSIONS LTD V DI MARCO
(2008) PLSCS 345 — Decision given 10.12.08

Facts: Under the terms of DM's lease of a flat in a mansion block owned and managed by MML, DM was required to pay a service charge to MML. In 1994 MML's articles of association were amended by a special resolution to include Article 16 which entitled MML to establish capital reserves, management and sinking funds in respect of expenses that it incurred in implementing the objects of the company. Members were also required to contribute in the amounts and in the manner approved by ordinary resolution from time to time. A number of such funds were established and in 2006 two resolutions were passed authorising the establishment of a "recovery fund" to be paid by leaseholders in two instalments, and, secondly, recovery of interest on the late payment of contributions, DM's amounting to £4,000. DM failed to pay his instalments and MML brought proceedings against him to recover the sums due, plus interest.

Point of dispute: Whether MML's appeal should be allowed against the ruling of the judge in the court below that, although article 16 was valid, the sums claimed fell within the ambit of s18 of the Landlord and Tenant Act 1985 which meant that liability was restricted to costs reasonably incurred by the landlord, who was required to consult and provide appropriate financial information.

Held: MML's appeal was allowed. There was a legal distinction between a tenant's liability to a landlord under a lease containing service charge provisions and the liability of company members, in this case the tenants, to that company under separate contracts made under the articles of association to establish and recover contributions to a recovery fund. The two relationships were incurred in differing capacities and gave rise to different legal obligations. This case was solely concerned with whether, under article 16 and pursuant to the 2006 resolutions, MML was entitled to recover the sums it sought from DM in his capacity as a member of the company. Article 16 was a valid provision and MML was entitled to recover the sums due to it, including interest.

02

High Court

Rent review — reconsideration of arbitrator's award

***** METROPOLITAN PROPERTY REALIZATIONS LTD V ATMORE INVESTMENTS
(2008) PLSCS 329 — Decision given 28.11.08

Facts: The defendant landlord owned a small parade of shops with flats above. The claimant's underlease of the property was for 99 years from 29.09.64 and provided for rent reviews every 21 years. When the second rent review fell due in September 2006 the parties failed to agree the amount of the yearly rent and the matter was referred to arbitration. The arbitrator determined the yearly rent at £118,000 on the basis that the occupational leases provided the best evidence for market rents of shops and flats, with adjustments to reflect the real monetary value of the notional stream of rental income in the hands of the notional tenant.

Point of dispute: Whether the tenant's application for the arbitrator's award to be reconsidered under s68 of the Arbitration Act 1996 should be allowed, on the grounds that the arbitrator had failed to deal with a substantial issue between the parties, namely that the arbitrator's approach had allowed for no element of profit in respect of the lease for the notional tenant. The tenant contended that this was a serious irregularity justifying court intervention under s68(2)(d).

Held: The application was granted. The arbitrator had failed to determine and allow for the notional tenant's profit element, which was a matter essential to the issue that he had to resolve. That failure fell within s68(2)(d) as it amounted to a serious irregularity causing substantial injustice. The award was flawed in a way that might cause the claimant substantial financial detriment in having to pay an excessive amount of rent under the lease for a long period of time.

Planning

03

Administrative Court

Appeal against refusal of planning permission for house extension allowed in part — council failing to inform inspector of unsuccessful application in respect of same property — whether claimants entitled to bring forward evidence not before inspector

***** R (ON THE APPLICATION OF CONNELLY) V HAVERING LONDON BOROUGH COUNCIL
(2008)PLSCS 334 — Decision given 12.11.08

Facts: In May 2006 C's neighbour, M, applied for planning permission to carry out various extensions and alterations to his house close up to C's boundary. However, C did not object to this application as he claimed he was unaware of it. The inspector appointed to hear M's appeal against HLBC's refusal of permission allowed part of it which related to a garage extension; however, the inspector's attention had not been drawn to the fact that HLBC had refused permission for this particular proposal when M had made a second, almost identical, application for it in August 2006.

Point of dispute: Whether evidence relating to the planning history of M's property that had not been before the inspector but had become available after she made her decision could be considered at this hearing to determine whether the inspector had erred in law.

Held: C's application was allowed. There was no general rule that a party to a planning appeal could not raise an argument that had not been advanced during representations made on the appeal. As custodians of the public interest HLBC should have drawn to the inspector's attention planning considerations that might be relevant to her decision and a recent refusal of permission on relevant planning grounds was information that HLBC should have provided to the inspector. Accordingly, the inspector had failed to take into account a material consideration; her decision would be quashed and the matter remitted to HLBC for further consideration.

04

Administrative Court

Development in the green belt — inspector dismissing appeal against refusal of consent — whether inspector erring in law in exercising planning judgment

***** SB HERBA FOODS LTD V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT
(2008) PLSCS 344 — Decision given 10.12.08

Facts: HF operated a former grain silo as a food processing factory. It applied for planning permission to extend the factory onto adjoining green belt land, but since the development would fall within the curtilage of the existing factory the extension site was categorised as previously developed brownfield land. Permission was refused and the inspector appointed by the Sec of State dismissed HF's appeal against the refusal of permission.

Point of dispute: Whether the inspector's decision should be quashed. HF contended that the inspector had erred in law in the way he had interpreted paras 3.1 and 3.2 of PPG 2 as he had applied the wrong test in determining the character and weight of the considerations that might give rise to "very special" circumstances justifying inappropriate development in the green belt.

Held: HF's application was granted. The words "very special" in para 3.2 did not mean rare as the converse of "commonplace"; the judgment to be given to any particular variable for planning purposes was a qualitative rather than a quantitative one. The two elements of para 3.2 — the existence of "very special" circumstances and the need to outweigh harm to the green belt should not be rigidly divided. Inappropriate development was by definition harmful, so the proper approach was whether the harm by reason of inappropriateness and the further limited harm caused to the openness and purpose of the green belt was clearly outweighed by the benefit to the claimant so as to amount to very special circumstances justifying an exception to green belt policy. The inspector had been entitled to consider the circumstances individually and cumulatively, and then decide whether they amounted to very special circumstances. Notwithstanding that his decision letter had been careful and well-constructed, it was impossible to ascertain the extent to which his conclusions on weight were influenced by his erroneous test of looking for an unusual or rare factor. The matter would be remitted to another inspector for reconsideration.

05

CLG Circular

Consultation on Revised Circular on Costs Awards in Appeals and other Planning Proceedings
Deadline for Comments: 20.02.09

This consultation seeks views on a revised planning circular on the award of costs in certain types of cases and builds on proposals set out in the Government's consultation paper: "*Improving the appeals system — making it proportionate, efficient and customer focused*". Reform is considered to be necessary due to the rise in numbers of appeals in recent years and that consultation proposed changes to the procedures for dealing with appeals and also proposed updating the Costs Circular. Current policy on the award of costs is contained in DOE Circular 8/93 "*Award of Costs incurred in planning and other (including compulsory purchase order) proceedings"* and it is not proposed to change the fundamental principles upon which the costs system is based.This Circular proposes three tests that must be satisfied if costs are to be awarded:

- that the application is made at the appropriate time;
- that the party against whom the application for an award is made has behaved unreasonably; and
- that unreasonable behaviour has resulted in unnecessary or wasted expense being incurred in the appeal proceedings

It is proposed that the ability to apply for costs will be extended to appeals dealt with by written representations. The Circular also makes it clear that parties will be liable for an award of costs at all stages of the process, even where they withdraw an appeal due to be dealt with by a hearing or inquiry before the date for such hearing or inquiry has been set. Clearer examples of what might be considered unreasonable behaviour are also provided.
http://www.communities.gov.uk/documents/planningandbuilding/pdf/consultationcircularcosts.pdf

Rating

06

Lands Tribunal

Valuation of local telecommunications network — whether valuation should be based on apportionment of assessment of much larger nationwide network — whether Lands Tribunal bound by conclusion reached by European Commission

****** ALAN ROY BRADFORD (VO) V VTESSE NETWORKS LIMITED
RA/50/2004; RA/63/2004 Before: His Honour Judge Mole QC and NJ Rose FRICS — Decision dated 07.11.08

Property: VN's telecommunications network which traversed a number of billing authority areas, originally entered in the 2000 rating list with an effective date of 01.04.03. Following objections by VN who argued that the network did not constitute a hereditament the Valuation Tribunal cancelled the entries. At the same time VN complained to the Commission of the European Communities (EC) on the grounds that the way in which the Vtesse optical fibre network was assessed for rates amounted to preferential tax treatment in favour of British Telecommunications (BT), unlawful discrimination and state aid contrary to Article 87 if in the EC Treaty. In 2006, following a formal investigation, the EC determined that the different methods employed to value Vtesse and the much larger BT network were justified and concluded that no state aid had been given to BT.

Issues: What was the rateable value of VN's hereditament at each of the relevant dates, 01.04.03, and 31.03.04, when the VO made a revised entry in respect of the expanded network. VN argued that the unit of valuation to be attributed to each kilometre traversed by the network should be £19 at both 01.04.03 (RV £2,800) and 31.03.04 (RV £11,900). The VO's argument was that at each date the value was £750 per km, rising to £900 for sections within the London Metropolitan Area, producing RVs of £110,000 and £470,000 on 01.04.03 and 31.03.04 respectively. VN's expert witness sought to devalue the agreed BT assessment of over £500 million RV in order to isolate the relevant value of the minute parts incorporated within the Vtesse network. The VO contended as the two networks were so different in scale, age and complexity no attempt at comparison could be made.

Held:

(i) The Lands Tribunal could not come to a decision that ran counter to the EC's conclusion that the different valuation methods applied to Vtesse and BT and the VO's unwillingness to compare the valuation of the former's fibre optic hereditament with that of the latter did not amount to the conferring of an advantage on BT or the unlawful provision of state aid.
(ii) The failure of VN's expert witness to address the implications of the EC decision detracted from his reliability as a witness.
(iii) The attempted deconstruction of BT's assessment was unprecedented in rating history and wholly unreliable.
(iv) VN's hereditament was assessed at RV £110,000 wef 01.04.03 and £470,000 from 31.03.04.

07

Statutory Instrument

SI 2008/3078 The Non-Domestic Rating Contributions (England) (Amendment) Regulations 2008

These Regulations, which come into force on 31.12.08, amend the rules contained in the 1992 Regulations for the calculation of non-domestic rating contributions and the assumptions to be made in calculating the provisional amount of the non-domestic rating contributions for financial years beginning on or after April 2009. They are concerned with:

- the offset for a special authority;
- the national cost of collection figure;
- the buoyancy factor; and
- the losses in collection percentages

http://www.opsi.gov.uk/si/si2008/pdf/uksi_20083078_en.pdf

08

Bill

Business Rates Supplement (BRS) Bill

This is currently going through Parliament with the intention that it should become law by 01.04.10. The Bill provides powers for local authorities to levy additional business rates charges in order specifically to fund local economic development, including infrastructure projects. The key features of this Bill are as follows:

- County Councils, Unitary District Councils and the Greater London Authority will be given power to levy a supplement on the business rate from 01.04.10.
- Revenue from BRS will only be available for spending which would not otherwise have taken place on economic development initiatives or projects. It cannot be used for housing, social services, education services, services for children, or health services.
- Decisions on the duration of a BRS and the specific project that it will fund will be made locally.
- Any authority wishing to levy a BRS will have a duty to produce a prospectus setting out the details of the proposed supplement and the project that it will fund.
- Authorities will be required to hold a statutory consultation on the proposals set out in their prospectus to levy a supplement. Where BRS will fund more than one third of the total cost of a project levying authorities will be required to ballot those ratepayers who will potentially be liable for the supplement.
- A national upper limit of 2p per pound of RV will be set on a BRS.
- Properties with a rateable value of less than an amount to be prescribed in regulations will not generate any liability to a BRS. In England it is intended that properties with RV of less than £50,000 will not generate liability to a BRS. Levying authorities will have flexibility to:
  > raise the RV threshold for liability above £50,000;
  > apply a different level of supplement to different RV bands;
  > phase in a BRS over a number of years at different rates; and
  > offset Business Improvement Levies against liability for BRS

http://www.epolitix.com/latestnews/article-detail/newsarticle/business-rate-supplements-bill/
http://www.publications.parliament.uk/pa/cm200809/cmbills/002/09002.i-ii.html

Real Property

09

Court of Appeal

Right of way — right granted in 1921 for access to premises as then used by the tenant — whether right of way extended to use by customers of appellant's bar

***** NEWMAN V GREATOREX
(2008) PLSCS 332 — Decision given 02.12.08

Facts: G, who owned a property in St Ives, obtained planning permission in 2005 to convert it into a bar. A covered passageway, owned by N who lived next door but over which G had a right of way, led to a beer garden at the rear. N complained about the noise and mess that G's customers made in the passageway and argued that the right of way did not extend to use by G's customers. The right of way was granted in 1921 and was confined to a right to pass and repass from and to the relevant premises "as now used by [the tenant]" at that time. The judge in the court below, who had to make findings of fact as to the use of the passageway at the time of the 1921 grant, found that there had been a fishmongers shop fronting onto a major shopping street and that the passage would have been used by tradesmen and staff who required access to the yard behind, but not by customers. Accordingly he made a declaration in favour of N.

Point of dispute: Whether G's appeal on the judge's findings of fact as to the extent of the use of the passage in 1921 would be allowed.

Held: The appeal was dismissed, and the court would not interfere with the findings of fact made by the judge in the court below. The use issue was one of fact for the judge, not of construction of the 1921 conveyance, and he had been entitled to make inferences that were relevant to the use issue so long as these were justified by the evidence. The Court of Appeal could not interfere with the factual conclusions arrived at by the judge on the use of the passage in 1921 unless they were wrong because no judge could have arrived at them by a process of reasoning and probable inference from the few facts that had been established. It was reasonable to infer that the tenant's retail customers in 1921 would have used the front entrance to the shop and would not have gone round to the back via the passage.

10

Court of Appeal

Discharge of restrictive covenant where appellant already had planning permission for development from local authority who had the benefit of the covenant — whether covenant securing practical benefits of substantial value or advantage

***** GRAHAM V EASINGTON DISTRICT COUNCIL
(2008) PLSCS 333 — Decision given 03.12.08

Facts: G owned a piece of land adjacent to an industrial site owned by EDC. G's land was subject to a restrictive covenant in favour of EDC prohibiting its use other than as a coach depot, but in 2005 EDC granted G outline planning permission for a development of 30 houses since the area was derelict and the development would generate much-needed affordable housing. However, EDC refused to release the restrictive covenant to enable the development to go ahead.

Point of dispute: Whether EDC's appeal should be allowed against the decision of the Lands Tribunal that the covenant should be released. The Lands Tribunal agreed with G that the covenant impeded a reasonable user of his land and that it did not provide EDC with any practical benefits of substantial value or advantage. It took into account the grant of planning permission and found that circumstances had not changed in any relevant way since the date of the grant, and the fact that another development company was proposing to develop a large alternative site for housing was not relevant since those proposals were still at a tentative stage. EDC argued that the Lands Tribunal had erred in law (i) by relying upon the planning permission since it had different interests as landowners and as the local planning authority, and (ii) by finding that circumstances had not changed, since, even though the other development proposals were only tentative, future harm was as relevant as present harm.

Held: EDC's appeal was dismissed and the covenant would be discharged. The judge had taken the correct approach to the planning permission as a factor that was relevant but not determinative of the question of practical benefit and was entitled to regard the recent grant of planning permission as good evidence on that issue. Although different factors would be relevant to EDC in their two capacities as landowner and local planning authority, the judge was entitled to find, looking at how EDC had approached the planning application, that the issues raised were similar and related to the balance of advantage on a local level. The question of whether a change of circumstances had occurred that was sufficiently substantial in planning terms was a matter for the Lands Tribunal and its conclusion on that question had not been perverse.

11

High Court

Easement for car parking — whether capable of giving dominant owner exclusive right to park in single space

***** VIRDI V CHANA
(2008) PLSCS 329 — Decision given 27.11.08

Facts: The respondents, C, claimed that they had acquired rights by prescription to park one vehicle outside their property. The matter was referred to adjudication and the adjudicator found on the facts that C had proved user of the requisite quality for 20 years so as to justify registration of the right to park as an easement, that the easement was capable of existing in law and that C could register the benefit and burden of an easement to park on land that was partly owned by V.

Point of dispute: Whether V's appeal against the adjudicator's decision that the easement was capable of existing in law should be allowed. V contended that an easement giving the dominant owner an exclusive right to park in a single car parking space could not exist.

Held: V's appeal was dismissed. An easement could not be claimed if it deprived the servient owner of the benefits of ownership. In this case the only sensible use of the land of which V was deprived was the right to park on a gravelled area, but V only owned some of that area and not enough on which to park a car — she would have to trespass on the adjoining unregistered land in order to park a car, and although she had a right of way over that she did not have the right to use it for parking. C, however, did have such a right having acquired it by prescription. A user that could sensibly be effected only by committing a trespass on adjoining land was not a reasonable user of the servient land.

12

House of Lords

Leasehold enfranchisement — determination of purchase price — hope value — s9(1A) of Leasehold Reform Act 1967 — Schedules 6 and 13 Leasehold Reform, Housing and Urban Development Act 1993 — whether hope value to be included when valuing landlord's interest

******* EARL CADOGAN V SPORTELLI; PITTS V EARL CADOGAN
(2008) PLSCS 342 — Decision given 10.12.08

Facts: In two decisions concerning leasehold enfranchisement claims under the Leasehold Reform, Housing and Urban Development Act 1993 and the Leasehold Reform Act 1967 the Lands Tribunal determined that, in assessing the price payable for the freehold by the tenant, no addition should be made for hope value, namely the value arising from the option that a freeholder would have had, in a real market, to sell the freehold or a lease extension to the tenant at a future date. The landlords' appeals in the 1993 Act cases were dismissed by the Court of Appeal (see *Evebrief 19 November 2007, Volume 29(16) i 09*). In the light of comments made in that judgment, an appeal relating to the 1967 Act was also dismissed by consent.

Point of dispute: Whether the landlords' appeals against these rulings would be allowed. The appeals concerned the inclusion of hope value in valuations under: (i) s9(1A) of the 1967 Act, for an enfranchisement of a higher-value house; (ii) schedule 6 of the 1993 Act for a lease extension; and (iii) Schedule 13 of the 1993 Act for a collective enfranchisement by tenants of flats in a block.

Held: Three of the appeals were dismissed; two relating to collective enfranchisement claims under Schedule 13 to the 1993 Act were allowed.

(i) Hope value was the amount that should be added to the purchase price for the possibility of the purchaser benefiting from a future release of marriage value.
(ii) On a valuation under s9(1A) of the 1967 Act for a higher-value house, no addition could be made for hope value as the landlord was already entitled to half of the marriage value on the assumption that the tenant would pay this if it were in the market. To award an additional amount for hope value would involve double-counting. Nor could hope value be awarded in cases where marriage value was excluded under s9(1E).
(iii) On an application for a new lease of a flat under Schedule 13 of the 1993 Act hope value was barred from the valuation of the landlord's interest by the words "with the tenant not buying or seeking to buy" in para 3(2). Those words required it to be assumed that the tenant was not, and would not in the future be, interested in purchasing and therefore excluded both marriage value and hope value.
(iv) On a collective enfranchisement claim, on the purchase of the freehold of a block of flats under Schedule 6 to the 1993 Act, hope value was payable in respect of the flats of non-participating tenants. This was a fair result: the participating tenants were acquiring an investment and it was appropriate that they should pay a true market price for the investment part of their purchase.

Per Curiam: None of the appeals concerned s9(1) of the 1967 Act, but that provision excluded both hope and marriage value when assessing the price to be paid by a tenant for the freehold of a house which did not fall into the higher value bracket.

Housing

13

Statutory Instrument

SI 2008/3068 The Housing and Regeneration Act 2008 (Commencement No 2 and Transitional, Saving and Transitory Provisions) Order 2008

This Order brought into force on 01.12.08 certain provisions of Parts 1, 2, 3, and 4 of the Housing and Regeneration Act 2008. As regards Part 1 the provisions commenced are those relating to the main powers of the Homes and Communities Agency, including powers relating to land, planning, financial assistance, borrowing and other functions. In Part 2 the provisions commenced are those relating to consequential amendments to other enactments. In Part 3 the provisions commenced relate to various landlord and tenant and housing matters, some creating regulation making powers and others introduce new family intervention tenancies.
http://www.opsi.gov.uk/si/si2008/pdf/uksi_20083068_en.pdf

Construction

14

CLG Circular Letter

Building Regulations 2000, Schedule 1 Part C (Site preparation and resistance to contaminants and moisture). New documents containing revised guidance on radon protective measures in new buildings, extensions and refurbishment projects

This Circular letter concerns the recent publication of two documents containing revised guidance on Radon. These are a new "*Indicative Atlas of Radon in England and Wales"* and a new 2007 edition of the Building Research Establishment publication BR 211 "*Radon: guidance on protective measures for new buildings"*.
http://www.communities.gov.uk/documents/planningandbuilding/pdf/revisedradonguidanceletter.pdf

15

Administrative Court

Designation of coastal site as Site of Special Scientific Interest (SSSI) — claimant seeking judicial review — whether Natural England acted ultra vires

***** R (ON THE APPLICATION OF BOGGIS) V NATURAL ENGLAND
(2008) PLSCS 337 — Decision given 05.12.08

Facts: B lived in a house next to the North Sea near to an SSSI. His property was being eroded by the sea and at his own expense he built a barrier between the cliff and the sea, which successfully stopped the erosion, but needed to be maintained. As part of its conservation function NE had a duty under s28 of the Wildlife and Countryside Act 1981 to identify SSSIs. It considered that the sea defence barriers compromised the scientific value of the site by impeding access to the cliff face and encouraging the growth of vegetation and it therefore decided to extend the SSSI to include B's property. This meant that any maintenance and repair of the barrier would require NE's consent, which it declined to give.

Point of dispute: Whether B's application for judicial review of NE's decision to notify and confirm within the SSSI a one kilomtetre stretch of coastline within which his property lay, out of a total of 12 kilometres, would be allowed. B contended that (i) NE had acted ultra vires in designating the disputed land as an SSSI since leaving the cliffs to erode by the unrestrained operation of natural processes was not nature conservation; and (ii) the decision was invalid since NE had failed to undertake an assessment of the implications of the SSSI as a "plan or project" within Article 6(3) of the Habitats Directive on a special protection area (SPA) covered by the Birds Directive and the Conservation (Natural Habitats etc) Regulations 1994.

Held: B's claim was allowed in part. (i) The notification and subsequent confirmation of the SSSI as it applied to the disputed area, including B's property, was not ultra vires. Conservation was a dynamic concept which did not necessarily always mean keeping things as they were and could also mean allowing natural processes, such as erosion, to take their course. (ii) To the extent that the notification and confirmation of the SSSI included a formal statement of an intended course of future action it was a "plan" within the meaning of article 6(3) of the Habitats Directive. This meant that its implications for the SPA should be the subject of an appropriate assessment and this had not taken place. On the evidence the risk of a significant effect on the SPA's conservation objectives could not be excluded.

Gerald Eve's UK office network

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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.

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