

EVEBRIEF

Legal & Parliamentary

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DISTRESS FOR RENT ABOLISHED



Ben Aldridge
Editor

At item 07 we report on regulations which brought into force provisions of the Tribunals, Courts and Enforcement Act 2007 from 6 April 2014 and abolish the ancient common law remedy of distress. This remedy enabled landlords to instruct bailiffs to enter rented premises without notice to seize and sell goods to the value of any rent arrears.

There is now a new statutory regime for Commercial Rent Arrears Recovery ("CRAR"). This introduces new checks to protect tenants and a process which landlords will have to follow if they want to seize and sell assets to cover outstanding rent arrears – for example, landlords will now need to give tenants seven clear days prior notice before enforcement agents can enter a property to seize assets.

CRAR applies only to commercial premises where there is a written lease, and only to arrears of principal rent, VAT and interest. The new regime will be welcomed by tenants but landlords may seek to avoid CRAR and rely more heavily in future on alternative forms of security.

Elsewhere at item 22, we report on a discussion paper which has been issued by the government and which seeks views from stakeholders about how the administration of business rates could be improved after the next revaluation in 2017. The deadline for responses is 6 June and we would encourage interested parties to respond.

LANDLORD & TENANT

01 Court of Appeal

Periodic tenancy of business premises

**BARCLAYS WEALTH TRUSTEES (JERSEY) LTD V ERIMUS HOUSING LTD
[2014] PLSCS 91 – Decision given 18.03.14

Facts: The respondent and appellant were the landlord and tenant respectively of commercial premises. The lease, which was contracted out of the security of tenure provisions of Part II of the Landlord and Tenant Act 1954, came to an end in October 2009. Negotiations for a new lease had not been concluded by that time, but the tenant remained in occupation and continued to pay rent. By June 2011 the parties had reached agreement as to the terms of a new lease, but it was not executed and in August the tenant informed the landlord that it wished to vacate the premises. In June 2012 it gave formal notice to the landlord to terminate its tenancy in late September 2012.

Point of dispute: Whether the notice was effective to end the tenancy. In the court below the judge found that a yearly periodic tenancy had arisen, to which the 1954 Act applied and which could be terminated only by six months notice served to expire at the end of October 2013. The appellant's contention that it held over under a tenancy at will on the same terms as to rent as the expired lease and that it had validly terminated that tenancy by giving three months notice, was rejected.

Held: The tenant's appeal against the deputy judge's ruling was allowed. The parties were in ongoing negotiations for a new lease which led to the inference that the occupier remained a tenant at will pending execution of the new lease. Its continued payment of rent was not inconsistent with that position. The judge's conclusion that the appellant was in possession of the premises under a yearly periodic tenancy was incorrect. Although the progress of negotiations between the parties had been half-hearted, they had been ongoing and the interim arrangement had suited them both. Both parties had continued to work on the assumption that a new lease would be granted and the negotiations, although slow, had never been abandoned. In June 2011, they had reached agreement as to the terms and that was not consistent with the creation, before June 2011, of a yearly tenancy in advance of the grant of a new lease or, in particular, with one that would be protected under the 1954 Act.

02 Court of Appeal

Renewal of business lease – whether past litigation a reason connected with tenant's use or management of the holding within s30(1)(c) of the Landlord and Tenant Act 1954 ("the 1954 Act")

*HORNE & MEREDITH PROPERTIES LTD V COX
[2014] PLSCS 93 – Decision given 19.03.14

Facts: HMP was the landlord and the appellant, C, the tenant under a 1981 lease of retail premises which had subsequently been renewed. The premises were a shop together with two rights of way and the right to use six parking spaces. The tenancy was protected under Part II of the 1954 Act. Over the years there had been much litigation between the parties in relation to the rights of way and parking spaces and HMP opposed C's application for a new lease on the grounds of intention to redevelop (s30(1)(f)). It also relied on the grounds in s30(1)(c) that the tenant ought not to be granted a new tenancy in view of "any other reason connected with the tenant's use or management of the holding".

Point of dispute: Whether C's appeal would be allowed against the ruling of the court below that it should be refused a new tenancy under the grounds in s30(1)(c). The judge found that C's conduct in the past had grossly exceeded that which was reasonable. C contended that a history of litigation was not capable of being a "reason... connected with the tenant's use or management of the holding".

Held: The appeal was dismissed.

- i. The “holding” included not only the shop but also the two rights of way and six parking spaces – these were “property comprised in the tenancy” within the meaning of the definition in s23(3) of the 1954 Act.
- ii. Section 30(1)(c) comprised two limbs: the first related to “substantial breaches by [the tenant] of his obligations under the current tenancy” and the second concerned “any other reason connected with the tenant’s use or management of the holding”. The second limb should be interpreted widely, and applying that approach the judge had been entitled to find that historical litigation was a reason connected with the tenant’s use or management of the holding and provided sufficient justification for refusing a new tenancy.

03 Court of Appeal

Break clause in lease of commercial premises – whether notice pursuant to break clause effective to terminate lease

*SIEMENS HEARING INSTRUMENTS LTD V FRIENDS LIFE LTD
[2014] PLSCS 108 – Decision given 03.04.14

Facts: The appellant was the landlord and the respondent the tenant under a lease of business premises granted pursuant to an earlier agreement for lease. A tenant’s break clause entitled the respondent to terminate the lease in August 2013 by giving at least six months notice, “which notice must be expressed to be given under s24(2) of the Landlord and Tenant Act 1954”. In August 2012 the respondent gave notice to terminate the lease one year later, but the notice did not state that it was given under s24(2) and nor did it refer to the 1954 Act.

Point of dispute: Whether the notice was effective to terminate the lease. At first instance, the judge allowed the tenant’s claim that it was, accepting its argument that as there was no such thing as a notice under s24(2), the reference to it was meaningless; the parties could not have intended to make the tenant’s exercise of an important right dependent on compliance with a meaningless formula.

Held: The landlord’s appeal against the judge’s decision in the court below was allowed.

- i. The formulation of the break clause was intended to prevent a tenant of business premises from exercising that clause by serving a statutory request for a new tenancy under s26 of the 1954 Act, rather than a contractual break notice, so as to engineer a downwards rent review in a falling market. This “downwards rent review” problem was removed by the 1998 Court of Appeal decision in *Garston v Scottish Widows Fund & Life Assurance Society*, but the agreement for lease in this case had been made before that decision.
- ii. An option to terminate a lease fell into the category of situations where, if there were prescribed substantive conditions which had to be fulfilled before the other party’s options were triggered, those conditions had to be fulfilled completely. Construed, properly, the break clause imposed a mandatory requirement that the notice “must” be expressed to be given under s24(2) and the judge’s ruling that the respondent’s failure to comply with the formal requirements of the break clause had not invalidated the notice was wrong. This was a unilateral contract and as such there was no room for the notion of substantial compliance.

04 High Court

Leases of flats and garages – developer wishing to construct new flats in airspace above garage blocks – whether defendants’ demised premises included garage roof and airspace above

*H WAITES LTD V HAMBLEDON COURT LTD
[2014] PLSCS 86 – Decision given 11.03.14

Facts: The property in question was a block of 12 flats and two garage blocks, constructed in the 1960s. The flats and garages were let on 999 year leases to the defendants. In 2007 the freeholder granted a lease of the airspace above the garages to the claimant developer (W) who wished to construct a flat above each of the garage blocks. The flats would be supported on horizontal steels resting on columns with their own foundations. The defendants opposed the development.

Points of dispute:

- i. The extent of the physical premises demised by each flat and garage lease, and whether the demise included the garage roof.
- ii. Whether the demised premises included the airspace above the individual garage.
- iii. Whether the court should imply into the leases a covenant by the lessor not to construct more flats on the estate.
- iv. Whether W could erect columns outside the garage blocks to support the new flats.

Held: Judgment was given in favour of the defendants.

- i. The demise included the garage roof.
- ii. A lease of premises for 999 years was close to a freehold term; this pointed to the conclusion that the parties had intended the airspace above the garage to be included in the demise.
- iii. The language of the leases created a scheme of covenants applicable to the estate that included the airspace above the garage blocks. It was not necessary to imply a term restricting the number of flats in order to preserve the integrity of the letting scheme. The fact that the flat and garage leases imposed a scheme of covenants did not justify the court implying a restriction on the number of flats that might be built.
- iv. The wording of the schedule to the lease was just enough to confer on W the right to erect supports outside the garages.

05 High Court

Construction of rent review clause

*BYWATER PROPERTIES INVESTMENTS LLP V OSWESTRY TOWN COUNCIL
[2014]PLSCS 75 – Decision given 14.03.14

Facts: In the 1960s, OTC let commercial premises in Oswestry town centre to BP’s predecessor in title for 99 year terms. The leases provided for 25-yearly rent reviews which only OTC had the right to instigate. Clause 5(1)(a) of the principal lease provided that: “On the expiry of each period of 25 years... the landlords shall have the right to review the yearly rent for the time being payable hereunder... Provided further that in no event shall the rent payable by the tenants to the landlords after each such date of review be less than the rent of £2,500 per annum hereby reserved.” OTC carried out a review in 1988 and raised the rent but it did not instigate a review in 2013.

Point of dispute: Whether, as contended by BP, the effect of not instigating a rent review in 2013 meant that the rent reverted back to the level of the initial reserved rent. OTC contended that the rent remained at the 1988 level; the reason it had not instigated a review in 2013 was because it was concerned that the reviewed rent would be less than the 1988 reviewed rent.

Held: Judgment was given in favour of OTC. The usual effect of a rent review was to alter the amount of the passing rent for the remainder of the term, or until a further review took place. OTC's construction of the rent review clause 5(1)(a) was to be preferred and it was entitled to rely particularly upon the words "the landlords shall have the right to review the yearly rent for the time being payable hereunder". That was clearly a reference to the initial rent and also to any subsequent increased rent. It also indicated that if the landlord did not exercise its right to review then the "rent for the time being payable hereunder" should continue to be paid – if that was a subsequent increased rent it was that amount which would continue to be paid, rather than rent initially reserved. The rent remained at the 1988 increased level.

06 Upper Tribunal: Lands Chamber

Service of documents

*G&O INVESTMENTS LTD V KHAN
[2014] PLSCS 89 – Decision given 26.02.14

Facts: A lease of a flat to the respondent provided for the payment of service charges to the appellant landlord. The clause in the lease which dealt with the service of demands, notices and other documents (clause 6(b)) provided that such documents "shall be well and sufficiently given if sent by the Lessor or the Lessor's Agent through the post by registered post or recorded delivery letter addressed to the Lessee at the flat or attached to the door or doors thereto... and any demand notice or other document sent by post shall be deemed to have been served forty-eight hours after such posting". The landlord had sent service charge demands to the lessee by ordinary second-class post.

Point of dispute: Whether the service charge demands had been properly served. The LVT held that clause 6(b) of the lease imposed a mandatory requirement that demands sent by post should be sent by recorded delivery or registered post and that consequently, the service charge demands had not been properly served on the respondent who was therefore not liable to pay the service charges for the years in question.

Held: The landlord's appeal against the LVT's decision was allowed. The provisions of clause 6(b) were permissive rather than mandatory; they did not impose a requirement that documents served by post had to be sent by registered post or recorded delivery. The wording of the clause did not displace other methods of actual service of demands for payment. If ordinary post were used as the method of service then the demand for payment notice or other document would be deemed to have been served 48 hours after such posting. The deeming provisions were directly referable to the service of documents by ordinary post and were not relevant to service by Special Delivery (as registered post and recorded delivery methods are now known) which is subject to tracking and documents are signed for by the recipient, or returned.

 07 Statutory Instrument

SI 2014/768 The Tribunals, Courts and Enforcement Act 2007 (Commencement No. 11) Order 2014

With one limited exception, this Order brought into force on 06.04.14 Part 3 of the 2007 Act, which provides for the replacement of various powers of enforcement by way of execution and distraint by a procedure known as taking control of goods. Distress for rent has been abolished and replaced by a power to use the taking control of goods procedure. This is to be known as commercial rent arrears recovery, or CRAR. The exception relates to s85, which provides that contractual terms which grant similar rights to distress for rent or CRAR are void. This Order does not commence s85 in relation to licences to occupy commercial premises. This is to enable parties to continue to negotiate for a commercial licence to include terms granting similar rights to distress for rent or CRAR, as in the licence context such rights are not otherwise available.

<http://www.legislation.gov.uk/uksi/2014/768/introduction/made>

If you require advice on landlord & tenant issues, contact Graham Foster on Tel. +44 (0)20 7653 6832 gfoster@geraldev.com

PLANNING

 08 Court of Appeal

Core strategy – application for planning permission to erect a tall building – whether proposed building contrary to planning policy in strategy which indicated that tall buildings were “generally inappropriate”

*ISLINGTON LONDON BOROUGH COUNCIL V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT
[2014] PLSCS 101 – Decision given 31.03.14

Facts: The appellant was refused permission by ILBC to erect a 25-storey building in Islington as part of the regeneration of the area close to Arsenal FC’s Emirates Stadium. The relevant core strategy stated that tall buildings above 30m high were “generally inappropriate” to Islington’s medium-level to low-level character and would not be supported in the borough, apart from the possible exception of the Bunhill and Clerkenwell area. On appeal the inspector appointed by the Sec of State reversed that decision finding that the appellant’s proposed development would not adversely affect the character and appearance of the area, was consistent with the “thrust” of the relevant policy and did not conflict with the development plan.

Point of dispute: Whether the appellant’s appeal would be allowed against the ruling of the judge in the court below who quashed the inspector’s decision, finding that he had misinterpreted the policy.

Held: The appeal was dismissed. Properly construed the policy in question bore the meaning which the judge had given to it. The only possibility of exception to the general rule that tall buildings were generally inappropriate and would not be supported was in the Bunhill and Clerkenwell area. The word “generally” emphasised that the rule was a general rule subject to the stated exceptions. The judge had been correct to quash the inspector’s decision.

09 Statutory Instrument

SI 2014/692 The Town and Country Planning (Revocations) Regulations 2014

These Regulations which came into force on 14.04.14 revoke a number of statutory instruments brought out between 1988 and 2009 relating to:

- Fees for holding an inquiry; the relevant amounts are now contained in the Fees for Inquiries (Standard Daily Amount) (England) Regulations 2000;
- Costs incurred by the Sec of State in connection with unitary development plan, local plan or simplified planning zone inquiries, or other hearings or examinations in public in respect of structure plans; the relevant amounts are now contained in the Town and Country Planning (Costs of Inquiries etc.) (Standard Daily Amount) (England) Regulations 2004;
- Transitional arrangements in connection with the 2004 change to the local development system in England, obsolete since the introduction of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- The Infrastructure Planning (National Policy Statement Consultation) Regulations 2009 which are now redundant.

<http://www.legislation.gov.uk/uksi/2014/692/contents/made>

10 Statutory Instrument

SI 2014/683 The Town and Country Planning (Revocations) Order 2014

This Order came into force on 14.04.14 and revoked 7 redundant planning Orders which had been in force since various dates between 1974 and 2004.

<http://www.legislation.gov.uk/uksi/2014/683/contents/made>

11 Planning Practice Guidance

Revised Planning Practice Guidance Suite

This is a new web-based resource where the National Planning Policy Framework for England (published on 27.03.12) and other planning practice guidance can be accessed online. The guidance will be updated as necessary and users can sign up for email alerts on any changes, or view revisions on the site.

<http://planningguidance.planningportal.gov.uk/>

12 CLG Publication

Guidance documents cancelled by the Planning Practice Guidance Suite

This is a list of the guidance documents which have been cancelled by the new planning practice guidance suite.

<https://www.gov.uk/government/publications/guidance-documents-cancelled-by-the-planning-practice-guidance-suite>

 13 Written Ministerial Statement

Local Planning

This statement was made on 06.03.14 by Nick Boles MP to launch the new streamlined planning guidance. It also refers to the Government's proposed reforms to changes of use which will allow for more flexibility and encourage reuse of empty and under-used buildings.

<https://www.gov.uk/government/speeches/local-planning>

 14 CLG Consultation

Planning performance and planning contributions: consultation
Deadline for comments: 04.05.14

The Autumn Statement 2013 included a commitment to consult on a new threshold for designating local planning authorities as underperforming and on a proposed new ten-unit threshold for s106 affordable housing contributions. This consultation seeks views on changes to the threshold for the speed of decisions, as well as a proposal to clarify the way in which exceptional circumstances affecting performance will be taken into account. Possible changes to s106 planning obligations policy are also suggested.

<https://www.gov.uk/government/consultations/planning-performance-and-planning-contributions>

 15 CLG Publication

The Town and Country Planning (Demolition – Description of Buildings) Direction 2014

This Direction, which came into force on 06.03.14, replaces the partially quashed 1995 Direction in order to clarify the position. It does not make any changes to the law.

<https://www.gov.uk/government/publications/the-town-and-country-planning-demolition-description-of-buildings-direction-2014>

 16 CLG Statistical Release

Local authority green belt statistics for England: 2012 to 2013

This publication contains statistics on designated green belt land.

- In 2012/13 it is estimated that the extent of the designated Green Belt in England was 1,639,090 hectares, around 13% of the land area of England.
- Overall, the area of Green Belt decreased by about 390 hectares between 2011/12 and 2012/13.

<https://www.gov.uk/government/publications/local-authority-green-belt-statistics-for-england-2012-to-2013>

17 CLG Statistical Release

Planning applications: October to December 2013 (England)

This document contains statistics about the number of planning applications made and permissions granted in England. In most categories there have not been significant changes since the last quarter, but 6% more residential decisions were made than in the December quarter of 2012 and numbers of major decisions (more than ten dwellings) were up by 36%. In the year ending December 2013 7% more residential decisions were made than in the previous year were made and numbers of major residential decisions were up by 31%.

<https://www.gov.uk/government/publications/planning-applications-in-england-october-to-december-2013>

18 University of Cambridge Research Paper

The nature of planning constraints

This research, which was conducted by the Cambridge Centre for Housing and Planning Research, examined the impact of planning constraints on the delivery of new housing. The research was undertaken because of a perception that planning is a major constraint on development and also evidence that the effectiveness of the planning system varies significantly between apparently similar authorities. The aim of the research was to identify pinch points in the planning process through undertaking case study research across comparable local authorities. The following are the report's main conclusions:

- The key constraints on new housing include land supply, planning delay, finance, labour and materials;
- Some individual sites may have hidden costs not known about at the time of appraisal leading to delays and additional costs in delivery;
- Many recommendations made following previous research into causes of delay have already been, or are planned to be, implemented. The exception to this is the use of targets to increase LPA performance, which has been criticised by the Killian Pretty Review and the National Audit Office for introducing perverse incentives that do not yield results;
- It is likely that the government will increase targets;
- The data being used to monitor LPAs against the targets is poor; and
- The statistics mask the actual processes that applicants have to go through in order to obtain planning permission.

<http://www.parliament.uk/documents/commons-committees/communities-and-local-government/Report-on-nature-of-planning-constraints-v3-0.pdf>

If you require advice on planning issues, contact Hugh Bullock on
Tel. +44 (0)20 7333 6302
hbullock@geraldev.com

RATING

19 Statutory Instrument

SI 2014/479 The Non-Domestic Rating (Collection and Enforcement) (Amendment) (England) Regulations 2014

W.e.f. 01.04.14 these Regulations amend the Non-Domestic Rating (Collection and Enforcement) (Central Lists) Regulations 1989 and the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989 which provide for the billing, collection and enforcement of non-domestic rates in respect of local rating lists and the central rating list. Ratepayers may now pay their non-domestic rates in 12 monthly instalments rather than ten.

<http://www.legislation.gov.uk/uksi/2014/479/contents/made>

20 Statutory Instrument

SI 2014/822 The Non-Domestic Rating (Levy and Safety Net) (Amendment) Regulations 2014

These Regulations, which came into force on 27.03.14, amend the 2013 Regulations which make provision for calculating whether the Sec of State is required to make a safety net payment to an authority and whether an authority is required to make a levy payment to the Sec of State. Levy and safety net payments are calculated by reference to an authority's non-domestic rating income and its "baseline funding level" and "business rates baseline". Under the rates retention system the Sec of State may designate groups of authorities as pools. The 2013 Regulations are amended to specify how the business rates baseline and baseline funding level of pools is to be calculated, allowing pools to be removed from the table in Schedule 2.

<http://www.legislation.gov.uk/uksi/2014/822/contents/made>

21 CLG Business Rates Information Letter

Business rates information letter (5/2014)

This letter addressed to Chief Finance Officers covers the new Regulations which enable businesses to pay rate bills in 12 monthly instalments (see item 19).

<https://www.gov.uk/government/publications/52014-business-rates-12-monthly-instalments>

22 CLG Discussion Paper

**Administration of business rates in England
Deadline for Responses: 06.06.14**

In its Autumn Statement 2013 the Government announced that it would be discussing options for the longer-term administrative reform of business rates after 2017. Terms of reference for the scope of the review were published in February and this paper takes the process another step forward. It summarises the five elements of the current system (how property is valued, how business rates bills are set, how business rates are collected and how information is used) and invites views from stakeholders on issues and ideas for reform.

<https://www.gov.uk/government/publications/business-rates-administration-review-discussion-paper>



23 CLG Business Rates Information Letter

Review of business rates administration 8/2014

This letter covers the discussion paper on the administration of the business rates system which was published on 10.04.14 (see item 22).

<https://www.gov.uk/government/publications/82014-review-of-business-rates-administration>

24 CLG Guidance

Business Rates Reoccupation Relief: guidance

In December 2013 the Government announced in its Autumn Statement that it would provide a 50% business rates discount for 18 months for businesses moving into previously empty retail premises between 01.04.14 and 31.03.16 up to State Aid De Minimis limits. This guidance sets out the detailed criteria which the government will use to determine funding in respect of the Reoccupation Relief.

<https://www.gov.uk/government/publications/business-rates-reoccupation-relief>

25 Letter to Chief Finance Officers

Business rates information letter (7/2014)

This letter covers Reoccupation Relief Guidance (see also item 24). The Non-Domestic Rating (Payment of Interest) Regulations 1990 provide that the rate of interest payable on refunds of overpaid rates, arising from alterations to the rating list, should be set for any year at one percentage point below the standard rate at 15 March (or the next business day) in the preceding year. On 17 March the standard rate was 0.5% and the rate of interest to be applied for 01.04.14 to 31.03.15 is 0%.

<https://www.gov.uk/government/publications/72014-reoccupation-relief-and-interest-rate-for-2014-to-2015>

26 Upper Tribunal (Lands Chamber)

Effective date of alteration of rating list – Regulation 14 of the Non-Domestic Rating (Alteration of Lists and Appeals) (England) Regulations 2009 (“the 2009 Regulations”) – whether date when list first compiled or later date of alteration

*BMC PROPERTIES V DAVID JACKSON (VO)
(RA/12/2013) – Before the Deputy President, Martin Rodger QC – Decision given 11.03.14

Property: A large Victorian house converted at some time prior to 1990 from residential to 19 self-contained holiday letting units, but which remained in Council Tax assessment until 2011 when the Valuation Officer first entered it in the 2005 Rating List as a non-domestic hereditament.

Issues: Whether, as decided by the Valuation Tribunal, the effective date of the alteration should be the date the 2005 List was first compiled, i.e. 1 April 2005, or as claimed by the ratepayer it should be deleted from the List as the Regulations did not provide for the alteration in these circumstances to have an effective date during the currency of the 2005 List.

Held: The appeal was dismissed.

If you require advice on rating issues, contact Jerry Schurder on Tel. +44 (0)20 7333 6324 jschurder@geraldev.com

- i. Regulation 14(2) of the 2009 Alteration or Lists and Appeals Regulations provides for an alteration to correct an inaccuracy on the day the List was compiled to have effect from the date the circumstances giving rise to the inaccuracy first occurred. This encompasses an inaccuracy because a hereditament was excluded from the List.
- ii. Regulation 14(5), which provides that if the date the circumstances first arose cannot be reasonably ascertained, the alteration has effect from the date it is made, does not include circumstances which were clearly in existence on the compilation date, even if the precise date of their commencement is not known.
- iii. Regulation 14(7) which limits the effective date of an alteration to the date it is made if it is to correct an inaccuracy which increases the Rateable Value, does not apply to an alteration to insert an entry in the List for the first time.

HOUSING

27 CLG Consultation

Review of local authority role in housing supply: call for evidence Deadline for comments: 23.05.14

This call for evidence seeks ideas, evidence and good practice into how local authorities can help to increase housing supply in order to meet local housing need.

<https://www.gov.uk/government/consultations/review-of-local-authority-role-in-housing-supply-call-for-evidence>

28 CLG Statistical Release

Dwelling stock estimates in England: 2013

The latest England Dwelling Stock estimates statistics were released on 27.02.14 and report on dwelling stock in England as at 31.03.13. Key points are as follows:

- It is estimated that there were 23.2 million dwellings in England, an increase of 125,000 dwellings (0.54%) on the previous year;
- There were 19.1 million private dwellings and four million social and affordable rented dwellings; and
- Between March 2012 and March 2013 the social and affordable rented stock increased by 19,000 dwellings and the private stock by 93,000 dwellings.

<https://www.gov.uk/government/publications/dwelling-stock-estimates-in-england-2013>

29 English Housing Survey Bulletin

English housing survey bulletin: issue 1

This bulletin covers key findings from the English housing survey headline report 2012-13 including the following:

- In 2012-13, the private rented sector overtook the social rented sector to become the second largest tenure in England. The proportion of renting households in receipt of housing benefit increased;
- The energy efficiency of the English housing stock continued to improve; and
- The number of non-decent homes in England continued to decline.

<https://www.gov.uk/government/publications/english-housing-survey-bulletin-issue-10>

30 Homes and Communities Agency Bulletin

Housing Market Bulletin, February 2014

This Bulletin provides the latest information on the housing market, the economy and the housebuilding industry. Recent trends indicate that:

- average house price inflation is continuing to increase, led by the London market;
- the number of housing transactions continues to increase with numbers of mortgage advances continuing to grow rapidly; and
- the number of housing starts on site in 2013 was the highest since 2007.

<http://www.homesandcommunities.co.uk/ourwork/market-context>

31 Homes and Communities Agency Bulletin

Housing Market Bulletin 2014, March 2014

- There have been further increases in average house price inflation. These were strongest in London and the South East but modest increases have also been seen in the regions.
- The number of housing transactions continues to increase with numbers of mortgage advances continuing to grow rapidly.
- The number of housing planning permissions in Q4 2013 was the highest since Q1 2008, and the total number in 2013 was the highest annual total since 2007.

http://www.homesandcommunities.co.uk/sites/default/files/our-work/housing_market_bulletin_march_2014.pdf

32 CLG Press Release

Housing Standards

The Government intends to simplify the system of housing standards. It is currently very complicated, with housebuilders finding them confusing, inconsistent and difficult to implement. It is proposed:

- To reduce the number of standards to fewer than ten;
- To reduce the number of pages of guidance from 1,000 to fewer than 100;
- To abolish some standards e.g. the requirement for rainwater harvesting in areas which do not suffer from water shortages; the requirement to install more than one phone line regardless of need; and a requirement for sheds and compost bins in gardens;
- To abolish the rules which require housebuilders to have the same work checked by a number of different organisations e.g. the planning authority, a Code of Sustainable Homes Assessor, a building control organisation, the HCA and independent standards assessors. Under the new system technical requirements will only be assessed by building control bodies.
- To bring in "optional building regulations" which would only operate if councils consider that they are needed for the developments being built in their area. These could include water efficiency standards and accessibility for disabled people.

http://www.planningportal.gov.uk/general/news/stories/2014/march14/200314/200314_4

<https://www.gov.uk/government/news/stephen-williams-announces-plans-to-raise-housing-standards>

REAL PROPERTY

33 Upper Tribunal Lands Chamber

Discharge of restrictive covenants

*RE MORNINGSIDE (LEICESTER) LTD'S APPLICATION
[2014] PLSCS 82 – Date of decision 17.02.14

Facts: A property in Leicester, originally built as a single, end-of-terrace dwellinghouse had in the past been converted for use as a doctor's surgery. A covenant from 1864 prohibited the use of the property other than as a private residence and imposed building lines. A later covenant from 1881 also imposed building lines. The applicant intended to use the property as a pharmacy shop and applied to discharge both covenants on the grounds in s84(1)(a) and (c) of the Law of Property Act 1925 that they were obsolete by reason of changes in the character of the property or the neighbourhood and that the proposed discharge or modification would not injure the persons entitled to the benefit of the restriction.

Point of dispute: Whether the application would be allowed. The applicant contended that the character of the area had changed substantially since 1864 with most of the old houses in commercial or retail use.

Held: The application was allowed in part. In relation to the s84(1)(a) application the 1864 covenant was not obsolete as the block of properties around the applicant's property were predominantly residential and a dwellinghouse would not, as the applicant asserted, look out of character. However, in view of the long and obvious breach of the covenant as the property had been used as a doctor's surgery for many years with acquiescence from those who benefitted from the covenant, the 1864 covenant no longer served its original purpose and was obsolete in terms of use of the application land as a private residence. The original purpose of the 1864 and 1881 covenants in relation to building lines was not obsolete. These had not been breached in the past and continued to serve a purpose. Without further details of the applicant's proposals it was not possible for the Tribunal to determine whether ground (c) of s84(1) was made out. The application to discharge the 1881 covenant was dismissed.

34 Upper Tribunal Lands Chamber

Discharge of restrictive covenants

*SWINDELLS V GREEN
[2014] PLSCS 211 – Decision given 25.03.14

Facts: The objector owned a residential property. The adjoining piece of land had formerly formed part of the objector's garden but was sold off in 1999 in order to provide a vehicular access to a school site. The 1999 conveyance contained a restrictive covenant, for the benefit of the objector's property, prohibiting the use of the burdened land other than as a means of access to the former school site for the purpose of renovating the school building and thereafter using it as a single dwellinghouse. The applicant applied under s84(1) of the Law of Property Act 1925 for the discharge or modification of the restrictive covenant to enable her to build up to five residential units (supported housing for the elderly) on the land, arguing that the covenant had become obsolete. She argued that splitting the school site into two titles was a change of circumstances and that without modification of the covenant she would be unable to obtain planning permission to improve or renovate her part of the site.

Point of dispute: Whether the application to discharge or modify the restrictive covenant would be allowed. The objector contended that the restriction still fulfilled its original purpose of minimising noise levels and preserving the privacy of those living in and visiting her property. She argued that the restriction continued to benefit her personally as the original covenantee and also that it protected her property from the effects of over-development. The parties invited a single joint expert to produce a report, but, notwithstanding his conclusion that the restriction was not obsolete and that the application had no prospect of success, the applicant refused to withdraw her application.

Held: The application was dismissed.

- i. The applicant should not be given permission to rely on the evidence of her architect save insofar as it related to issues of fact since he was not impartial and he had failed to address the relevant factors relating to the test of obsolescence.
- ii. The tribunal was satisfied that the findings of the jointly appointed expert were a true and accurate reflection of the circumstances. His findings were conclusive of the circumstances. The reasons for the imposition of the covenant were as relevant now as when it was first imposed in 1999. The application was wholly without merit.

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TORT

35 Court of Appeal

Surveyor's negligence

*HUBBARD V BANK OF SCOTLAND LC T/A BIRMINGHAM MIDSHIRES
Case decided on 24.03.14

Facts: The claimant, H, engaged the defendant bank's employed surveyor to conduct a valuation survey of a property. The house straddled a former quarry which meant that the house was built on rock, but the garden was on soft fill. During the surveyor's inspection H pointed out various cracks in some walls but the surveyor told her that these were long standing. The surveyor's report reiterated this, but also stated that it was not a full structural survey and that H could obtain a more detailed report. H purchased the property, relying on the surveyor's report. When further cracking appeared in 2010, H engaged a surveyor to prepare a structural report and issued proceedings in negligence against the defendant. H alleged that the bank's surveyor had been negligent because his report had failed to state that the subsidence might be ongoing and that she should obtain further advice, which had led to a decrease in the value of the property. The bank contended that the report was a valuation survey only, that its limits had been identified and that the surveyor had discharged his duty.

Point of dispute: Whether to allow H's appeal against the ruling of the court below which held that the surveyor had not been negligent. The judge rejected H's argument that the evidence of cracks and the position of the house should have been sufficient for the surveyor to conclude that a structural inspection had been necessary.

Held: The appeal was dismissed. The surveyor's conclusion that the cracking was not ongoing was one that was open to him to reach. It had always been made clear that he had been instructed to advise on valuation, not structure which meant that his duty was lower than that of a structural surveyor. The surveyor had not thought that the cracking would have an effect on the property's value and his report had reminded H of the availability of more detailed advice.

ENVIRONMENT

36 Natural Capital Committee report

The State of Natural Capital: Restoring our Natural Assets

This Committee was set up as a result of the Government's 2011 Natural Environment White Paper "The Natural Choice", with a remit to identify which natural assets may be being used unsustainably, to ensure the development of national and corporate natural capital accounting and to advise on research priorities. This report sets out what has been achieved so far, makes recommendations to the Government on what needs to be done and establishes the work programme for the next year.

<http://nebula.wsimg.com/14afdd226a11eb1c6fb5dedcd4c54de4?AccessKeyId=68F83A8E994328D64D3D&disposition=0&alloworigin=1>

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TRANSPORT

37 HS2

Higgins Report: HS2

The new chairman of HS2 Ltd, David Higgins, has published his review of the project, including his thoughts on the progress made so far, its ongoing development and his plans for the future. He proposes, amongst other things, a more comprehensive redevelopment of Euston, acceleration of Phase Two and urges reconsideration of the HS1-HS2 link. The report, entitled 'HS2 Plus', can be downloaded in full along with supporting slides and the report launch speech. There is also a link to the Government's response to the report.

<http://www.hs2.org.uk/david-higgins-launches-his-vision-for-hs2>

38 HS2 Growth Taskforce Report

High Speed 2 : Get Ready. A report to the Government by the HS2 Growth Taskforce

The High Speed 2(HS2) Growth Taskforce was created in summer 2013 to advise the Government on how to maximise the return from the investment in HS2. This report sets out the main challenges that the Taskforce can see in maximising the benefits from HS2 and its recommendations on what can be done to address these. A range of challenges are set out, for the Government, local authorities, HS2 Ltd, UK businesses and workers, all of which will benefit from HS2. The report is structured around four main areas:

- “Getting Our Cities Ready”;
- “Getting Our Transport Network Ready”;
- “Getting Our People Ready”; and
- “Getting Our Businesses Ready”.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/294851/hs2-get-ready.pdf

CONSTRUCTION

39 Statutory Instrument

SI 2014/880 The Energy Performance of Buildings (England and Wales) (Amendment) Regulations 2014

These Regulations, which came into force on 06.04.14, set revised fees for entering documents onto the register which the Sec of State is required to maintain under the 2012 Regulations. They also make amendments to the enforcement provisions in Part 7 of the 2012 Regulations to provide an enforcement mechanism for Regulations 10 and 11 of the 2012 Regulations which contain duties that were not previously enforceable due to a drafting oversight.

<http://www.legislation.gov.uk/uksi/2014/880/contents/made>

40 CLG Circular Letter

New Green Deal Measures and Notice of Approval

This letter informs building control bodies:

- that the Department of Energy and Climate Change has confirmed some additional measures that will be introduced into the Green Deal. It also clarifies where such measures are notifiable building work under the building regulations and whether there are competent person scheme installers who may in some cases self-certify the work where it is notifiable; and
- that the Department of Communities and Local Government has issued a new notice of approval for the calculation methodologies for CO₂ emissions, fabric energy efficiency and energy performance certificates for new buildings, which comes into effect on 06.04.14.

<https://www.gov.uk/government/publications/new-green-deal-measures-and-notice-of-approval>

ENERGY

41 CLG Publications

UK Solar PV Strategy

These two documents – “UK Solar PV Strategy Part 1: Roadmap to a Brighter Future” and “UK Solar PV Strategy: Part 2” – set out the guiding principles for deployment of solar in the UK.

<https://www.gov.uk/government/publications/uk-solar-pv-strategy-part-1-roadmap-to-a-brighter-future>

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LONDON

42 London Assembly Government Publication

2013 London Town Centre Health Analysis Report

This report, which was published in March, is the latest in the ongoing series of strategic London-wide health checks being undertaken by the Greater London Authority with support from the London boroughs. It provides a snapshot of the “health” of over 200 of London’s town centres using a selection of strategic indicators and illustrates how these have changed over time. This strategic town centre health check informed the preparation of the Further Alterations to the London Plan and Supplementary Planning Guidance and it contributes to the evidence base for local development plan policies, development proposals and implementation of town centre and local strategies in accordance with London Plan policy 2.15 and 4.7, the NPPF and practice guidance.

<http://www.london.gov.uk/priorities/planning/publications/2013-london-town-centre-check>

43 London Assembly Government Publication

Cultural Metropolis 2014 - The Mayor's Culture Strategy for London

This is an update to “Cultural Metropolis”, the Mayor’s culture strategy which was first published four years ago. It outlines the Mayor’s ambition to ensure that London remains one of the world’s greatest cities for culture.

<http://www.london.gov.uk/priorities/arts-culture/publications/cultural-metropolis-2014-the-mayors-culture-strategy-for-london>

GENERAL

44 CLG Impact Assessment

Registration of new town or village greens: proposed amendments to Schedule 1A (Exclusion of Right under s15) to the Commons Act 2006

This document assesses the impact of the proposed amendments to the provisions for the registration of town and village greens.

<https://www.gov.uk/government/publications/registration-of-new-town-or-village-greens-proposed-amendments-to-schedule-1a-exclusion-of-right-under-section-15-to-the-commons-act-2006>

45 CLG Publication

Flood support schemes: funding available from central government

This document contains guidance on the various support packages available to help local authorities, households and businesses recover from the severe weather experienced during the winter of 2013-14:

- The Bellwin Scheme;
- Severe Weather Recovery Scheme;
- Farming Recovery Fund;
- “Repair and Renew” grant;
- Business Rate Relief;
- Council Tax Relief;
- Business Support Scheme;
- Flood Relief Fund for Sport;
- Support for Tourism Industry;
- Time to Pay; and
- Banking Sector Support

<https://www.gov.uk/government/publications/flood-support-schemes-funding-available-from-central-government>

46 Independent Publication

The Farrell Review of architecture + the Built Environment

This is an independent review into the state of architecture and the built environment. The review was led by Sir Terry Farrell CBE and follows extensive consultation with government, institutions, agencies, industry and the public. There are five themes to the recommendations which come out of this review:

- understanding place-based planning and design;
- better connectedness between institutional stakeholders themselves and between such stakeholders and the public;
- better public engagement through education and outreach;
- a sustainable and low-carbon future; and
- a commitment to improving the built environment.

<http://www.farrellreview.co.uk/download>

47 CLG Prospectus

Locally-led garden cities

This prospectus invites local authorities to put forward ideas as to how they wish to develop garden cities, how they wish to make use of existing central government funding and support, and what other freedoms, flexibility and support they will need in order to realise the creation of new garden cities. They are invited to submit their views on the issues and barriers they envisage to developing garden cities by 29.08.14.

<https://www.gov.uk/government/publications/locally-led-garden-cities-prospectus>

GERALD EVE'S UK OFFICE NETWORK

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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.

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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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EVEBRIEF

Legal & Parliamentary

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SCOTLAND

LANDLORD & TENANT

01 Court of Session: Outer House

Withholding of consent to subletting of commercial premises – whether reasonable

*BURGERKING LTD V CASTLEBROOK HOLDINGS LTD
[2014] PLSCS 72 – Decision given 25.02.14

Facts: The pursuer was the tenant and the defender the landlord of commercial premises in Kilmarnock comprising a fast-food restaurant. The pursuer proposed to sublet the premises to a company to which it had recently sold its Burger King business in Scotland which comprised the operation of 26 existing restaurants and the exclusive right for future Scottish openings. Under the terms of the lease, subletting was not permitted without the prior written consent of the landlord, which was “not to be unreasonably withheld or... delayed to a sub-tenant who is respectable and responsible”. The pursuer sought consent from the landlord for the subletting. The request was accompanied by a note from the proposed subtenant which indicated that his company intended to open 50 Burger King restaurants over the next five years and that its business had a turnover of £25m. It also stated that the owner of the proposed subtenant had owned and operated numerous Burger King restaurants since 1993 and that by 2011 was operating 54 restaurants. There was also a statement from the owner confirming that his company had an excellent relationship with all its landlords. The defender declined the proposed subletting unless the head company in the proposed subtenant’s group guaranteed its obligations. This was because the subtenant could not provide three years of audited accounts, or landlords’ references since it was a new company formed in 2011 and had been dormant until it had acquired the pursuer’s Scottish business.

Point of dispute: Whether the pursuer’s claim that the defender had unreasonably withheld its consent to the proposed subletting would be allowed. The defender argued that they had no evidence that the subtenant was “respectable and responsible”.



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Held: The action was dismissed. It was appropriate to take a two-stage approach when determining whether the requirements of the lease were met with regard to the proposed subletting: firstly whether the proposed subtenant was respectable and responsible and if not, the landlord could refuse consent on that ground alone without further justification. The word “respectability” referred to the way in which the company conducted its business and its reputation; the word “responsibility” referred to its financial capacity. A landlord who stipulated that a subtenant must be responsible reserved the right to be satisfied as to the financial soundness of the subtenant itself, not just of other individuals or entities who might assist in the event of financial difficulty. A company did not acquire respectability immediately upon incorporation. The track record of the subtenant itself had to be assessed and in this case it did not pass the test as it had not been trading.

PLANNING

02 Statutory Instrument

SSI 2014/51 The Town and Country Planning (Hazardous Substances) (Scotland) Amendment Regulations 2014

These Regulations, which came into force on 29.03.14, implement Article 30 of Directive 2012/18/EU of the European Parliament and of the Council on the control of major accident hazards involving dangerous substances. “Heavy fuel oils” are added to the list of hazardous substances and controlled quantities in Schedule 1 to the 1993 Regulations.

<http://www.legislation.gov.uk/ssi/2014/51/contents/made>

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GENERAL

03 Statutory Instrument

SSI 2014/54 The High Hedges (Scotland) Act 2013 (Commencement) Order 2014

This Order brings into force on 01.04.14 those provisions of the 2013 Act which have yet to be commenced and as from that date the Act is fully in force.

<http://www.legislation.gov.uk/ssi/2014/54/contents/made>

04 Scottish Assembly Government Publication

Our Place in Time – The Historic Environment Strategy for Scotland

This framework sets out a ten year vision for Scotland’s historic environment and seeks to ensure that the cultural, social, environmental and economic value of Scotland’s historic environment continues to make a strong contribution to the wellbeing of the nation and its people.

<http://www.scotland.gov.uk/Publications/2014/03/8522>

WALES
PLANNING

 05 Statutory Instrument

WSI 2014/592 The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014

This Order, which comes into force on 28.04.14, amends the 1995 Order by conferring wider permitted development rights, as follows:

- Where there is a change to or from a use falling within Class B8 (storage or distribution) of the Schedule to the 1987 Use Classes Order, the threshold which applies is increased from 235 to 500 square metres;
- A new Part 8 (industrial and warehouse development) is substituted into Schedule 2 of the 1995 Order. This extends some of the previous permitted development rights for industrial buildings and warehouses to research and development uses and also permits new buildings subject to certain constraints. Partial and total replacement of hard surfaces within the curtilage of an industrial building are permitted, as are refuse and cycle stores within the curtilage of an industrial building or warehouse;
- A new Part 32 is substituted into Schedule 2 of the 1995 Order. This extends the permitted development rights in Class A for schools, colleges, universities and hospitals allowing extensions and alterations to such institutions, subject to certain constraints. Again, permitted development rights are given for refuse and cycle stores within the curtilages of these institutions; and
- Two new Parts 41 and 42 are inserted into Schedule 2 of the 1995 Order. Part 41 Class A grants permitted development right to extend or alter office buildings, subject to certain constraints while Part 42 Class A grants permitted development rights to extend or alter shops and financial or professional services establishments.

<http://www.legislation.gov.uk/wsi/2014/592/contents/made>

 06 Welsh Assembly Government Guidance Note

Permitted Development Rights for industry, businesses, educational institutions and hospitals

This note contains guidance on the changes to the 1995 GPDO introduced by the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2014 (see item 05 above).

<http://new.wales.gov.uk/topics/planning/policy/guidanceandleaflets/non-domestic-permitted-development-rights/?lang=en>

 07 Statutory Instrument

WSI 2014/593 The Town and Country Planning (Compensation) (Wales) Regulations 2014

These Regulations come into force on 28.04.14 and prescribe various matters for the purposes of s108 of the Town and Country Planning Act 1990. Section 108 provides for the payment of compensation in certain cases where planning permission for development granted by a development order or a local development order is withdrawn and where, on an application for planning permission for that development, the application is refused or permission is granted subject to conditions.

<http://www.legislation.gov.uk/wsi/2014/593/contents/made>

08 Welsh Assembly Government Planning Policy Document

Planning Policy Wales (Edition 6, February 2014)

This document contains the policy framework for the effective preparation of local planning authorities' development plans. It is supplemented by 22 topic based Technical Advice Notes (TANs) while procedural guidance is given in Welsh Office/National Assembly for Wales/Welsh Government circulars.

<http://new.wales.gov.uk/topics/planning/policy/ppw/?lang=en>

09 Welsh Assembly Technical Advice Note (TAN)

Technical Advice Note (TAN) 21: Waste (2014)

This TAN provides advice on how the land use planning system in Wales should contribute towards sustainable waste management and resource efficiency. It should be read in conjunction with:

- Planning Policy Wales;
- "Towards Zero Waste – One Wales: One Planet" (2010) the overarching waste strategy document for Wales;
- Parts 5 and 6 of The Waste (England and Wales) Regulations 2011, as amended by the Amendment Regulations in 2012; and
- Relevant "Sector Plans" with particular reference to the Collections, Infrastructure and Markets Sector Plan.

<http://new.wales.gov.uk/topics/planning/policy/tans/tan21/?lang=en>

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RATING

10 Statutory Instrument

WSI 2014/372 The Non-Domestic Rating (Small Business Relief) (Wales) (Amendment) Order 2014

This Order, which came into force on 14.03.14, amends the 2008 Order by extending the provision for an increase in the level of small business rate relief until 31.03.15. The extension of relief only applies to certain categories of ratepayer covered by the 2008 Order.

<http://www.legislation.gov.uk/wsi/2014/372/contents/made>

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GENERAL

11 Welsh Assembly Government Consultation

Draft Playing Fields (Community Involvement in Disposal Decisions) (Wales) Regulations 2014 and Related Statutory Guidance **Deadline for Comments: 30.05.14**

This consultation concerns draft Regulations to be made under the Playing Fields (Community Involvement in Disposal Decisions) (Wales) Measure 2010. The Regulations will make provision for consultation by local authorities prior to a decision to dispose of a playing field.

<http://new.wales.gov.uk/consultations/localgovernment/draft-regulations-and-statutory-guidance-for-playing-fields/?lang=en>

12 Welsh Assembly Government publication

The economic impact of wind farms on tourism

This study examined the potential economic impacts of wind farms and associated grid infrastructure on the Welsh tourism industry. It draws upon existing evidence of the impact of wind farms on tourism and identifies those areas which are likely to be most sensitive to wind farm development and those where the potential for positive effects is greatest. The key findings were that:

- The current scale of wind farm development in Wales is modest compared to other European countries and Scotland in particular;
- There is limited evidence of local tourism impacts to date;
- Wind farms are remote from Wales's key visitor assets and tourism attractions;
- Reactions to wind farms are complex and may change over time;
- Certain visitor markets have a high sensitivity to wind farms;
- There is some potential for positive impacts, but with further investment; and
- There is no evidence that wind farms on tourist routes deter tourists.

<http://new.wales.gov.uk/topics/environmentcountryside/energy/renewable/wind/economic-impact-on-tourism/?lang=en>

NORTHERN IRELAND

PLANNING

13 DOE Information Leaflet

Information Leaflet 12: Renewable Energy Development within the Curtilage of a Dwelling House – Permitted Development Rights

This leaflet provides guidance to householders on the extent to which small scale renewable energy development could be "permitted development" under Schedule 1 to the Planning (General Development) Order (Northern Ireland) 1993 and therefore does not require an application for planning permission.

http://www.planningni.gov.uk/index/advice/advice_leaflets/leaflet12.htm

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CONSTRUCTION

14 Statutory Instrument

NISR 2014/44 The Building (Amendment) Regulations (Northern Ireland) 2014

These Regulations, which came into force on 25.02.14, transpose Articles 2, 4, 6, 7 and 9 of European Parliament and the Council Directive 2010/31/EU of 19.05.10 on the energy performance of buildings ("the recast Directive").

<http://www.legislation.gov.uk/nisr/2014/44/contents/made>

ENERGY

15 Statutory Instrument

NISR 2014/43 The Energy Performance of Buildings (Certificates and Inspections) (Amendment) Regulations (Northern Ireland) 2014

These Regulations came into force on 25.02.14 and amend the 2008 Regulations by implementing the requirements of Articles 2(9), 11(2)(a), 11(2)(b), 11(3) and 13(2) of the European Parliament of 19.05.10 on the energy performance of buildings ("the recast Directive").

<http://www.legislation.gov.uk/nisr/2014/43/contents/made>