

EVEBRIEF

Legal & Parliamentary

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EDITORIAL



Steve Hile
Editor

The Courts, Tribunals and Central Government clearly exhausted themselves before the long Summer recess from Parliament. The "INDYREF" and Party Conference Season seem to be further distracting them in terms of new regulations or consultation exercises.

Nevertheless we do report on three cases in this issue. The first of these can be found in our Regional Supplement covering dilapidations in a Court of Session decision in Scotland, which came to the view that the costs or loss to a landlord of a tenant not carrying out dilapidations at the end of a lease could be based on potentially the reduction in capital value, rather than the cost of the works. The two English cases can be found at items 01 and 02 and cover the assignments of lease to group companies and whether a 1968 covenant could be enforced.

Elsewhere in this issue under Housing the latest housebuilding figures for England have been published and show that whilst the number of housing starts is up from last year, they still remain some 26% below their 2007 peak. With housing starts roughly half what is believed is needed to meet demand the Monthly Housing Market Bulletin at item 16, showing house prices still rising will come as no surprise. Item 11 reports on a government initiative to increase the supply of housing land but the 30 new brownfield sites are all outside London, where the greatest need is. The fact that both the main political parties at their recent conferences and the Mayor have promised additional and affordable housing demonstrate the importance of this issue.

Steve Hile

LANDLORD & TENANT

01 Court of Appeal

Assignment of lease – new guarantor

*TINDALL COBHAM 1 LTD V ADDA HOTELS
[2014] PLSCS 249 – Decision given 05.09.14

Facts: The respondent companies, TC, owned a number of hotels which were subject to leases granted to the appellants, AH. As part of a group reorganisation, AH assigned various leases to companies within the same group without seeking consent from TC. If the assignments were lawful the original lessees and the guarantor would be released from further contractual liability under the leases as a result of the operation of ss5 and 24(2) of the Landlord and Tenant (Covenants) Act 1995. There was a covenant in the leases (Clause 3.14.6) providing that intra-group transfers would only be permitted with the landlord's prior consent and (i) if notice of the transfer was given in advance; and (ii) the original tenant's guarantor became the assignee's guarantor. TC issued proceedings seeking a declaration that the assignments were unlawful as being in breach of covenant and applied for summary judgment.

Point of dispute: Whether AH's appeal would be allowed against the High Court ruling:

- i. The assignments had been carried out in breach of covenant and were therefore excluded assignments;
- ii. Under Clause 3.14.6 the assignments were not permitted without first applying for written consent from TC; and
- iii. TC was entitled to require the assigning tenants to procure a new guarantor.

Held: The appeal was dismissed and the judge's order was varied.

- i. As between possible constructions of an agreement one had to choose the construction which made the instrument legally effective. This principle was applied by the judge and it originated from the need to opt for a meaning which produced the most commercially workable version of the contract.
- ii. The "validate if possible" principle was not applicable to this case.
- iii. Section 25(1)(a) of the 1995 Act invalidated any agreement relating to a tenancy which would have the effect "to exclude, modify or otherwise frustrate the operation of the provisions of the Act". Section 25 was intended to provide a comprehensive anti-avoidance provision which ought to be interpreted generously to ensure that the operation of the 1995 Act was not frustrated. A condition which required the tenant to procure a continuing guarantee from an existing guarantor had the effect identified in s25(1)(a).

02 High Court

Application for interim injunction to prevent claimant from applying for planning permission to build on plot adjoining defendant's property

*HICKS V 89 HOLLAND PARK (MANAGEMENT) LTD
[2014] PLSCS 252 – Decision given 18.07.14

Facts: The claimant, H, owned a piece of empty land adjacent to a large converted Victorian villa in Holland Park, the freehold of which was owned by the defendant (HPM). H wanted to build a house on her land but HPM sought to rely on covenants imposed by a 1968 deed to prevent her from doing so. Clause 2(b) provided that no application should be made to a planning authority without the approval of plans and drawings by the adjoining owner and Clause 3 stated that no work should commence before plans, drawings and specifications of the proposed buildings had been approved by the adjoining owner or its surveyor. In the High Court it had been ruled that HPM and the lessees of the flats were entitled to enforce these covenants. In June 2013 excavations commenced on H's land and HPM refused H's subsequent application for approval of the plans and drawings under Clause 2(b). H sought a declaration that HPM's refusal of consent was unreasonable and that she was entitled to apply for planning permission for the proposed development without being in breach of the covenants in the 1968 deed.

Point of dispute: Whether to allow HPM's application for an interim injunction to prevent H from applying for planning permission. H was willing to give undertakings, pending determination of the claim, to notify HPM that an application for planning permission had been made and, if her claim failed, to withdraw the application and not give effect to any permission granted.

Held: The application was dismissed. The court had to consider the adequacy of the remedy of damages to each party and in the event of doubt about this, move on to the question of the balance of convenience. In a situation where other factors were evenly balanced it was prudent to take such measures that preserved the status quo. Applying these principles in this case, H's concerns about her likely loss were more justified than those of HPM, and the risk of her suffering substantial unquantifiable loss if an injunction was granted were much greater than the risk to HPM of not granting an injunction, having regard to the undertakings which H had offered. The court had to arrive at a result that minimised the likelihood of future friction and acrimonious correspondence between the parties. H's undertakings were accepted and the injunction refused.

03 CLG Publication

Model agreement for a shorthold assured tenancy

This model tenancy agreement is intended for use between a private landlord and tenant who wish to enter into a fixed term assured shorthold tenancy agreement for a residential property. Its aim is to produce an agreement which strikes a fair balance between the interests of landlords and tenants and is particularly focused on supporting tenants who would like to negotiate a longer fixed term tenancy. It is not a legal requirement to use this agreement.

<https://www.gov.uk/government/publications/model-agreement-for-a-shorthold-assured-tenancy>

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

PLANNING

04 Statutory Instrument

SI 2014/2381 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) (Amendment) Regulations 2014

These Regulations, which came into force on 01.10.14, amend the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 to remove a requirement relating to the plans that must accompany an application for development consent under the Planning Act 2008. In particular, these Regulations remove the minimum scale requirement for plans that show offshore matters.

<http://www.legislation.gov.uk/uksi/2014/2381/contents/made>

05 CLG Guidance

Planning Act 2008: guidance on the pre-application process for major infrastructure projects

The 2008 Planning Act created a new development consent regime for nationally significant infrastructure projects in the fields of water, energy, transport, waste water and waste. These projects include major developments such as harbours, new electricity transmission lines and power stations. The Planning Act set the thresholds above which certain types of infrastructure development were considered to be nationally significant, while the Localism Act 2011 made important changes to the regime by abolishing the Infrastructure Planning Commission and transferring responsibility for decision making to the Sec of State. This guidance, which is part of the package of statutory instruments and guidance for the Planning Act and the major infrastructure sections of the Localism Act, sets out the requirements and procedures for the pre-application process and consultation for major infrastructure projects.

<https://www.gov.uk/government/publications/guidance-on-the-pre-application-process-for-major-infrastructure-projects>

06 CLG Consultation

Sustainable Drainage Systems: changes to the planning system Deadline for Comments: 24.10.14

This consultation seeks views on proposals to increase the number of sustainable drainage systems in England. These systems slow down the rate of surface water run-off and improve infiltration by imitating natural drainage in both urban and rural areas. The aim of this is to reduce the amount of "flash-flooding" which occurs when rainwater flows too rapidly into the public sewerage and drainage systems.

<https://www.gov.uk/government/consultations/sustainable-drainage-systems-changes-to-the-planning-system>

07 CLG Consultation

Planning and travellers
Deadline for Comments: 23.11.14

This consultation seeks views on changing planning policy and guidance relating to traveller sites. The aim of the proposed changes is to increase the level of authorised traveller site provision in appropriate locations in order to meet historic undersupply, while ensuring that sensitive areas and the Green Belt are better protected than at present. The proposals relate primarily to changes to planning policy for traveller sites, but some would apply to the settled community and would involve changes to wider national planning policy.

<https://www.gov.uk/government/consultations/planning-and-travellers-proposed-changes-to-planning-policy-and-guidance>

08 Letter to local planning authorities

Thames Tideway Tunnel project

The consultation and safeguarding directions issued by the Sec of State on 15.03.13 in relation to the Thames Tideway Tunnel project were revoked w.e.f. 24.09.14 when the Thames Tideway Tunnel Order came into force. The directions were then replaced by the safeguarding provisions in Article 52, Part 4 of the Order which protect the land needed for the project and take effect along the whole route of the Tunnel for its duration. The 15 affected local authorities must consult Thames Water on development before granting any planning permissions to which the provisions apply.

<https://www.gov.uk/government/publications/thames-tideway-tunnel-project-letter-to-local-planning-authorities>

09 CLG Invitation

Development benefits pilots: invitation for expressions of interest
Deadline for submitting expressions of interest: 24.10.14

In its 2014 Budget, the government announced that it will launch a government-funded staged pilot for passing a share of the benefits of development directly to individual households. This includes further research and evaluation of the approach.

HM Treasury has allocated a budget of £3.5 million to the Department for Communities and Local Government for the pilot. The aim of the pilot is to test:

- the degree to which development benefits are likely to be both effective and efficient in reducing opposition to development and increasing active support for it;
- what approach to payments, including levels of payments and eligibility for payments is likely to be most effective;
- the extent to which a reduction in opposition to development by local residents can be expected to ease planning system constraints;
- the workability and costs of administering the development benefits model;
- whether there are any unintended consequences, either within this policy or for other government objectives; and
- how the model would impact on the approach taken to new homes in neighbourhood plans.



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

The document sets out further details on development benefits and how the pilots could operate. It also outlines the support that will be available and how interested parties can express an interest in participating pilots.

<https://www.gov.uk/government/publications/development-benefits-pilots-invitation-for-expressions-of-interest>

HOUSING

10 CLG, HM Treasury and HCA Prospectus

Housing zones: prospectus

As part of its efforts to increase housing supply, the government has announced plans to create 30 new housing zones on brownfield sites across the country. This prospectus invites applications for £200 million of funding being made available for investment in these housing zones outside London.

<https://www.gov.uk/government/publications/housing-zones-prospectus>

11 CLG Statistics

Housebuilding in England: April to June 2014

This release presents figures on new build housing starts and completions in England for the period April – June 2014.

- There were 36,230 housing starts in England in the June quarter 2014 – no change from the previous quarter, but up by 18% on the same quarter last year.
- It is estimated that there were 29,540 seasonally adjusted completions in the June quarter 2014, up by 6% on the previous quarter and by 7% on the same quarter last year.
- Seasonally adjusted starts are now 112% above the trough in the March quarter 2009, but 26% below the March quarter 2007 peak.
- In the last year (June 13 – June 14) there were 114,440 housing completions in England, an increase of 7% compared with the previous 12 months.

<https://www.gov.uk/government/statistics/house-building-in-england-april-to-june-2014>

12 HCA Bulletin

HCA Monthly Housing Market Bulletin – August 2014

This HCA bulletin provides the latest information on trends in the housing market and the economy:

- Average house prices continue to increase, although the rate seems to be easing, particularly in the dominant London market.
- Numbers of housing transactions have increased, but remain below their 2007 peak. Numbers of mortgage advances continue to grow.
- Average British residential building land values have increased. Greenfield land is now at some three quarters of its 2007 level, and the average urban value is around half of the 2007 peak.
- The economy continues to grow, with GDP increasing by 0.8% in Q2 2014 (3.2% y/y). The unemployment rate is decreasing, currently at 6.5%. CPI inflation is at 1.5%.

http://www.homesandcommunities.co.uk/sites/default/files/our-work/hca_housing_market_bulletin_-_aug_2014.pdf

13 CLG Statistical Release

Code for sustainable homes: June 2014

This release contains cumulative and quarterly data for England, Wales and Northern Ireland up to the end of June 2014.

<https://www.gov.uk/government/statistics/code-for-sustainable-homes-june-2014>

14 CLG Consultation

**Housing standards review: technical consultation
Deadline for Comments: 07.11.14**

This publication sets out the government's revised policy on housing standards and seeks views on draft technical standards and other practical matters relating to implementation. Building Regulations relating to the following matters are to be introduced:

- security;
- standards to meet the needs of older and disabled people (optional in appropriate circumstances);
- water efficiency; and
- a national space standard for new dwellings to enable local authorities and communities to influence the size of development in their local area.

<https://www.gov.uk/government/consultations/housing-standards-review-technical-consultation>

15 HBF quarterly report

HBF Housing pipeline report – Q2 2014 report

Figures released on 11.09.14 in HBF's latest Housing Pipeline report show that planning permissions for 56,647 homes were granted in England in Q2 of this year – the highest number for over six years. The increase in private house building activity has been the most significant, assisted by the Help to Buy Equity Loan scheme which has increased demand for new homes. However, while the overall number of plots getting permission is back to 2008 levels, the number of actual sites getting approval is low in comparison, indicating that it is the larger strategic sites that are coming forward. The report expresses concern that there are not sufficient numbers of sales outlets – 715 sites were granted permission in Q2 compared to over 1000 per quarter in 2007/8. It is also argued that the rate at which permissions are granted needs to be speeded up in order for sustainable increases in housing supply to be seen with many sites being “stuck” in the planning system with an estimated 150,000 plots at “outline permission” stage awaiting full sign off by local authorities.

http://www.hbf.co.uk/uploads/media/Housing_pipeline_report_Q2_2014_-_Sep_2014.pdf

16 HCA Prospectus

Rent to buy 2015 to 2017: prospectus

This prospectus invites applicants to bid for up to £200 million of recoverable loans to support building of fixed term affordable homes between 2015 and 2017. This funding is available for schemes outside London. Bidders can repay the loan at any time but must retain and let the homes they buy at an affordable rent for a minimum of seven years post completion. The loan has to be repaid no later than 16 years after construction of the funded homes.

<https://www.gov.uk/government/publications/rent-to-buy-2015-to-2017-prospectus>

TRANSPORT

17 East West Rail Press Release

Economic case for investment in East West Rail “Central Section” rail link

East West Rail is a major project to establish a strategic railway that would connect East Anglia with Central, Southern and Western England. The “Western Section” is now a committed and funded scheme to reintroduce passenger and freight services between Bedford, Oxford, Milton Keynes and Aylesbury by reconstructing sections of existing “mothballed” track. The Consortium has also been working on identifying a route to extend the Western Section of East West Rail to Cambridge, to connect with the East Coast Main Line and thus enable train services to operate between Oxford and Cambridge and on to Norfolk and Suffolk. As the former railway between Bedford, Sandy and Cambridge was closed in the 1960s and some of the land subsequently sold and developed for other uses this part of the route will be much more difficult and costly to reinstate. The Consortium commissioned Atkins Consulting to undertake a study to identify where economic activity and potential growth could be supported through improvements to public rail links and train services. Their final report, which was published on 18.08.14, shows that improved rail connections and services could deliver sufficient economic benefit to justify investment. Network Rail will now consider and examine the engineering, operational and planning feasibility and cost of various route options.

<http://www.eastwestrail.org.uk/news/new-study-supports-economic-case-investment-east-west-rail-central-section-rail-link>

ENERGY

18 CLG Consultation

Private Rented Sector Energy Efficiency Regulations (Domestic) **Consultation closed on: 02.09.14**

The Energy Act 2011 places a duty on the Sec of State to bring into force regulations to improve the energy efficiency of buildings in the domestic and non-domestic private rented sector in England and Wales. This consultation seeks views on:

- regulations which would give tenants a right to request consent to make energy efficiency improvements that must not be unreasonably refused by their landlord; and
- a minimum energy efficiency standard for properties in the domestic private rented sector in England and Wales

These Regulations must be in force by 01.04.18.

<https://www.gov.uk/government/consultations/private-rented-sector-energy-efficiency-regulations-domestic>

19 CLG Consultation

Private Rented Sector Energy Efficiency Regulations (Non-Domestic) **Consultation closed on: 02.09.14**

This consultation concentrates on the regulations that must be brought into force in the non-domestic private rented sector in England and Wales by 01.04.18 requiring eligible properties in the sector to be improved to a specified minimum standard.

<https://www.gov.uk/government/consultations/private-rented-sector-energy-efficiency-regulations-non-domestic>

ENVIRONMENT

20 Defra Consultation

Delivering Sustainable Drainage Systems **Deadline for Comments: 24.10.14**

The Pitt Review into the causes of the 2007 floods concluded that sustainable drainage systems were an effective way to reduce the risk of “flash-flooding” which occurs when rainwater rapidly flows into the public sewerage and drainage system causing overloading and back-up of water to the surface. This consultation invites comments on delivering sustainable drainage systems through changes to the current planning regime – an alternative approach to the separate consenting regime for sustainable drainage systems envisaged in the Flood and Water Management Act 2010 with which a number of issues were identified. Subject to the outcome of the consultation it is anticipated that any changes to planning policy would come into force in the spring of 2015.

https://consult.defra.gov.uk/water/delivering-sustainable-drainage-systems/supporting_documents/20140912%20SuDS%20consult%20doc%20finalfinal.pdf

21 Greater London Authority (GLA) report

Comparison of air quality in London with a number of world and European cities

This report, which was undertaken by AMEC Environment & Infrastructure UK Ltd for GLA, is a comparison of air quality in cities around the world. A new ranking system was developed and used to assess air quality in 36 cities against three indices:

- Citywide – this includes sulphur dioxide concentrations to account for industrial and local heating emission sources;
- Citywide/Traffic – this includes traffic-related pollutants for which the objective concentrations are most commonly exceeded in Europe – nitrogen dioxide and particulate matter; and
- Health impacts - this uses Defra damage costs for pollutants in the Citywide index.

Overall, the least polluted city is Vancouver and the city with the worst air quality is Cairo. London is ranked 9th on the Health Impacts index, 15th on the Citywide index and 17th on the Citywide/Traffic index.

<http://www.london.gov.uk/priorities/environment/publications/comparison-of-air-quality-in-london-with-a-number-of-world-and>

If you require advice on environment & contamination issues, contact Keith Norman on Tel. +44 (0)20 7333 6346 knorman@geraldeve.com

LONDON

22 London Assembly Government Publication

Response to the consultation on the Private Rented Sector Energy Efficiency Regulations

This publication is the Mayor of London's response to the Department of Energy and Climate Change's consultation on the Private Rented Sector Energy Efficiency Regulations (Domestic) (England and Wales). (See item 19 above)

This response sets out areas where the Mayor supports proposals in the consultation, as well as providing a number of recommendations to Government, including:

- broadening the scope of the regulations to include Houses in Multiple Occupation, in all situations;
- placing more onus on the landlord to arrange the energy efficiency measures/ improvement plan and seek funding to cover the cost of any improvements;
- encouraging landlords to use available finance mechanisms/grants but also, where necessary, 'invest' in the improvements themselves – the Mayor disagrees that the regulations should only apply if there is nil upfront cost to the landlord; and
- recommending that ambitious efficiency standards should apply beyond 2018.

<http://www.london.gov.uk/priorities/environment/publications/response-to-the-consultation-on-the-private-rented-sector-energy>

GENERAL

23 Government News Release

Government Property Finder

The recently launched Government Property Finder (<https://www.gov.uk/find-government-property>) is an easy to use tool which enables the general public to search the government's property portfolio. If it is considered that a particular piece of land is not being put to good use, it can be challenged using the Right to Contest (<https://www.gov.uk/right-to-contest>) which was announced earlier this year. Under this scheme the previous rights of members of the public to challenge the wider public sector where land or property was empty or underused are extended to include central government land and property, both vacant and occupied. A form giving details of the site and reasons why the government should release it is completed and cases will only be rejected if government departments can demonstrate that the site is vital for operational purposes or that alternative considerations outweigh the potential for better economic use. It is part of the government's longer term strategy to reduce the size of the public property estate by selling property that it no longer uses and giving up long term rentals.

<https://www.gov.uk/government/news/new-tool-that-maps-government-property>

24 CLG Guidance

Council Tax information letter: definitions of empty homes and second homes

This letter sets out the government's informal view on the definition of empty and second homes. It sets out the background to the empty homes premium and advice on what local authorities may wish to consider when administering the premium. The letter also provides advice on the definition of "substantially unfurnished" and what items of furniture a property should or should not contain.

<https://www.gov.uk/government/publications/council-tax-information-letter-definitions-of-empty-homes-and-second-homes>

25 RICS Paper

Property in Politics – Driving economic growth and building better communities

In this paper, the RICS calls on the UK's political parties to recognise the role that property, through housing, planning and development, construction and infrastructure, plays in driving the UK's economic growth and building better communities. The RICS puts forward 12 recommendations that it believes should be implemented by a future Government to make its vision of building a vibrant property market place in the UK a reality.

<http://www.rics.org/Global/Property-in-Politics.pdf>

26 Localis Report

Public Land, Public Good – Getting maximum value for public land and property

This report, published by Localis in partnership with Cathedral Group, highlights the potential for public land and assets to be used for developing new housing, reshaping public services and boosting local economies. The report finds that local authorities are moving away from the old policy of selling land and buildings for one-off capital receipts, but instead are redeveloping their assets to make them earn income which can be used to help support public services. It makes the following recommendations:

- Local authorities should set up a team of officers whose job is to maximise returns on council assets;
- Central and local government departments should be required to produce an annual register of assets; and
- Building on the Government's One Public Estate programme, local authorities across the country should have a coordinating role for public service land in their locality acting as custodians of their local communities.

<http://www.localis.org.uk/article/1781/Public-Land-Public-Good.htm>

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To add your name to the evebrief distribution list, please contact us at evebrief@geraldev.com

London (West End)

Hugh Bullock Tel. +44 (0)20 7493 3338
hbullock@geraldev.com

London (City)

Simon Prichard Tel. +44 (0)20 7489 8900
sprichard@geraldev.com

Birmingham

Alan Hampton Tel. +44 (0)121 616 4800
ahampton@geraldev.com

Cardiff

Joseph Funtek Tel. +44 (0)29 2038 8044
jfuntek@geraldev.com

Glasgow

Ken Thurtell Tel. +44 (0)141 221 6397
kthurtell@geraldev.com

Leeds

Philip King Tel. +44 (0)113 244 0708
pking@geraldev.com

Manchester

Mark Walsh Tel. +44 (0)161 830 7091
mwalsh@geraldev.com

Milton Keynes

Simon Dye Tel. +44 (0)1908 685 950
sdye@geraldev.com

West Malling

Andrew Rudd Tel. +44 (0)1732 229 420
arudd@geraldev.com

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

Evebrief editorial team

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

Abbreviations

The following abbreviations are used in evebrief:

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

The star system

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

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

Contact details

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

Agency

Simon Prichard Tel. +44 (0)20 7489 8900
sprichard@geraldev.com

Compensation & Compulsory Purchase

Tony Chase Tel. +44 (0)20 7333 6282
tchase@geraldev.com

Building Consultancy

Richard Fiddes Tel. +44 (0)20 7333 6294
rfiddes@geraldev.com

Environment & Contamination

Keith Norman Tel. +44 (0)20 7333 6346
knorman@geraldev.com

Landlord & Tenant

Graham Foster Tel. +44 (0)20 7653 6832
gfoster@geraldev.com

Leasehold Reform

Julian Clark Tel. +44 (0)20 7333 6361
jclark@geraldev.com

Minerals & Waste Management

Philip King Tel. +44 (0)113 244 0708
pking@geraldev.com

Planning & Development

Hugh Bullock Tel. +44 (0)20 7333 6302
hbullock@geraldev.com

Rating

Jerry Schurder Tel. +44 (0)20 7333 6324
jschurder@geraldev.com

Real Property

Annette Lanaghan Tel. +44 (0)20 7333 6419
alanaghan@geraldev.com

Valuation

Mark Fox Tel. +44 (0)20 7333 6273
mfox@geraldev.com

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For more information on our research services please contact:

Robert Fourt
Partner
Tel. +44 (0)20 7333 6202
rfourt@geraldev.com

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EVEBRIEF

Legal & Parliamentary

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SCOTLAND

LANDLORD & TENANT

01 Court of Session: Outer House

Dilapidations

*@SIPP (PENSION TRUSTEES) LTD V INSIGHT TRAVEL SERVICES LTD
[2014] PLSCS 251 – Decision given 04.09.14

Facts: The claimant, SIPP, was the owner and ITS the former tenant of a commercial building in Port Glasgow. When the lease came to an end in May 2012, SIPP argued that the property had not been left in good and substantial repair and its schedule of dilapidations listing the works that were required to rectify this situation estimated the cost of required works at over £1m. ITS argued that if it carried out these works the capital value of the building would increase by £75,000 and, even if it had done them before it vacated the building, the capital value would only have increased by £175,000. In those circumstances no reasonable landlord would have carried out the works, it did not intend to do so and it argued that SIPP's claim should be quantified by reference to diminution in capital value, not to the cost of carrying out the works.

Point of dispute: The court was asked to determine:

- i. whether, on a proper construction of the lease, SIPP's obligation at termination was limited to putting the premises into the condition they were accepted in at the commencement of the lease; and
- ii. whether SIPP was entitled to a payment of a sum equal to the cost of putting the premises into the relevant state of repair, regardless of whether it actually intended to carry out any such work.

Held: Judgment was given for ITS.

- i. When construing a modern commercial lease, its terms would be regarded as more important than the underlying common law of liability for what Scots law had traditionally categorised as extraordinary repairs. In the present case, when construing the relevant clause in the lease, the court was not bound by authority to hold that an obligation to keep premises in good and substantial repair necessarily imported an obligation to put it into that condition.
- ii. If a tenant was in breach of its obligation to return a property to the landlord in a specified condition, the landlord could claim damages for the loss sustained. However, the sum due to the landlord could be calculated in a manner other than by reference to the actual cost of repair. There was nothing to preclude ITS from offering to prove that the appropriate measure of SIPP's loss was something other than the cost of repair.

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



GERALDEVE

PLANNING

02 Scottish Assembly Government Consultation

Planning Controls, Pay Day Lending and Betting Offices. Consultation Paper on Changes to Planning Legislation
Deadline for Comments: 14.11.14

This consultation seeks views on whether, and how, the Scottish planning system should address concerns around the negative impact caused by clustering of betting shops and payday lenders on the character and amenity of town centres and shopping areas. The consultation invites comments on various proposed changes to the Use Classes Order and the General Permitted Development Order.

<http://www.scotland.gov.uk/Publications/2014/08/6425>

03 Directorate for Planning and Environmental Appeals (Scotland)

Review of the Year 2013–14

DPEA is a division of the Scottish Government Legal Directorate and it considers and makes decisions on a range of planning and environmental matters on behalf of Scottish Ministers. The kinds of work undertaken by DPEA include the following:

- “Non-delegated” or “recalled” appeals. These are appeals not decided by a reporter, but where a reporter submits a report with a recommendation to the Scottish Ministers;
- Appeals from decisions of planning or local authorities on matters such as listed buildings, advertisement display consents and storage of hazardous substances;
- Appeals from decisions made by the Scottish Environment Protection Agency in connection with the prevention and control of pollution, air and water quality and waste management; and
- Examination of strategic and local development plans, public local inquiries held in connection with applications for consent under the Electricity Act 1989, compulsory purchase and other orders, and core path plans promoted by access authorities under the Land Reform (Scotland) Act 2003.

<http://www.scotland.gov.uk/Resource/0045/00459095.pdf>

HOUSING

04 Scottish Government Statistical Publication

Housing Statistics for Scotland 2014

This annual publication contains statistics on housing supply and public sector housing in Scotland up to 31.03.14. Information is provided on the following:

- new housing supply (private and public sector);
- public sector stock and house sales;
- local authority housing management;
- public sector housing for older people and people with disabilities;
- right to buy entitlement; and
- houses in multiple occupation.

<http://www.scotland.gov.uk/Publications/2014/08/2448>

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05 Scottish Government Guidance

Local Housing Strategy Guidance

Local authorities are required by law to prepare local housing strategies supported by an assessment of housing demand, setting out their plans for the delivery of housing and housing related services locally. This revised guidance sets out the key considerations for local authorities when they are preparing their local housing strategies including national policy direction and links with other strategic plans and processes.

<http://www.scotland.gov.uk/Publications/2014/08/3070>

WALES

PLANNING

06 Welsh Assembly Government Consultation

Draft Designing Gypsy and Traveller Sites in Wales guidance Deadline for Comments: 21.11.14

The draft guidance seeks to assist local authorities to properly design Gypsy and Traveller sites.

<http://wales.gov.uk/consultations/equality/draft-designing-gypsy-traveller-sites-consultation/?lang=en>

NORTHERN IRELAND

PLANNING

07 NI Government Statistical publication

Northern Ireland Planning Development Management Statistics April – June 2014

This report shows the first quarter-on-quarter increase in planning applications received since Q3 2009/10, and is the highest number of planning applications received in Q1 since 2011/12. Some of this increase may be attributable to improving economic conditions, but it may also partially reflect a surge in applications in advance of planning fee increases which come into force on 28.05.14.

http://www.planningni.gov.uk/index/news/news_releases/first_quarter_increase_applications.htm

08 Ministerial Statement

Revised Planning Policy Statement (PPS) 15 – ‘Planning and Flood risk’

This statement, published on 23.09.14, announced the publication of Revised Planning Policy Statement (PPS)15 which sets out the Department of the Environment’s planning policies to minimise flood risk to people, property and the environment. Its primary aim is “to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere” and it updates the first PPS15 which was issued in June 2006 with a commitment to review the policy within five years of its publication.

http://www.niassembly.gov.uk/Documents/Official-Reports/Written-Ministerial-Statements/2013-2014/ENV_WMS_230914.pdf

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