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INTERESTING TIMES AHEAD?

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Editor

At Item 09 of this edition of Evebrief we report on a ground-breaking decision of the Supreme Court on the assessment for rating of self-contained floors in the same building where these are occupied by a single occupier. In addition to holding that two self-contained floors separated by other floors should be separately assessed even where in single occupation, the judges also commented that, other than in exceptional circumstances, even contiguous self-contained floors should not be merged unless directly interconnected (e.g. by an internal staircase) or where they are functionally interdependent– not just linked by the fact that they happen to be let to and occupied by the same tenant.

This is a significant shift from long-established practice. It remains to be seen whether the Valuation Office now revisits all merged assessments and considers splitting them into separate hereditaments, potentially resulting in a loss of quantum or fragmentation allowances in many cases. It seems unlikely that such action would be taken bearing in mind the workload involved and the need to justify undoing all the agreements previously reached, but it cannot of course be ruled out.

At Item 05 we report the decision of the High Court to quash changes made by the Secretary of State to national planning policy in relation to provision of affordable housing in small residential developments and the application of vacant building credits which potentially reduced the amount of 'new' development to which affordable housing requirements would be applied. The combined effect of the changes was to restrict, in some cases severely, the ability of local authorities to secure the provision of affordable housing in developments in their areas – the two Councils that brought the action claimed that it would reduce provision across the country by 20%.

The story appears, however, to be far from over. The DCLG has said that present policy has a disproportionate impact on smaller builders and that it will be seeking leave to appeal. If this fails it may seek to introduce the changes by way of primary legislation.

GERALDEVE

LANDLORD & TENANT

01 Upper Tribunal (Lands Chamber)

Landlord and Tenant Act 1985 – service charge – framework agreements – Service Charges (Consultation Requirements) (England) Regulations 2003 – maintenance works to housing stock – Public Contracts Regulations 2006 – extent of obligation to consult with lessees – whether framework agreements amounting to 'qualifying long-term agreements' which restricted consultation process

*KENSINGTON AND CHELSEA ROYAL LONDON BOROUGH COUNCIL V LESSEES OF 1-124 POND HOUSE
[2015] PLSCS 250 – Decision given 21.07.15

Facts: In 2013 the applicant local authority, RBKC, proposed to enter into a number of framework agreements with contractors setting out the terms on which contracts would be awarded for maintenance works to their housing stock over the next four to six years. The value of the works was anticipated to reach up to £130m. RBKC's housing stock included properties let to secure tenants and others let on long leases under which service charges were payable. All the lessees were given notice of RBKC's intention to enter into the framework agreements and RBKC followed the restricted procedure for such agreements laid down in regulation 16 of the Public Contracts Regulations 2006.

Point of dispute: Whether, as RBKC contended, the framework agreements were 'qualifying long term agreements' (QLTAs) for the purposes of the consultation requirements of s20 of the 1985 Act and the 2003 Consultation Regulations such that RBKC were entitled to follow a restricted form of consultation with the lessees before embarking on specified works of repair. The lessees contended that the framework agreements were not QLTAs and that RBKC's consultation was therefore inadequate.

Held: RBKC's application was dismissed.

- An application under s27A(3) of the1985 Act was an appropriate way to secure a determination on the consultation issue.
- A QLTA, as defined in sections 20 and 20ZA of the 1985 Act and reg 4 of the Consultation Regulations, was an agreement entered into by or on behalf of a landlord or superior landlord for a term of more than 12 months where the relevant costs incurred under the agreement for any tenant exceeded £100 in any accounting period. The framework agreements proposed by RBKC were long-term and the relevant costs might well exceed £100 for a tenant in any one accounting period.
- The relevant costs were also incurred 'under' the framework agreements for the purposes of the statutory provisions. There was also no doubt that the proposed works were 'the subject' of the framework agreements for the purposes of regulation 7 of the Consultation Regulations.
- The Consultation Regulations applied, which meant that if works were carried out under a contract falling under the auspices of the framework agreements then consultation would be limited to that required by Schedule 3 to those regulations. The introduction of Schedules 2 and 3 meant that public bodies, which previously were unable to comply with s20 of the 1985 Act when they had entered into large scale arrangements for works, could now do so.
- On the facts of the case RBKC had complied with the consultation requirements.
- However, the Tribunal could not find for RBKC on their substantive application because the schedule of proposed works which was provided with the application had been significantly undermined in the evidence. Precision as to the extent of the works, their duration and the terms of the lease which supported the obligation to carry out the work was still required to support a s27(A)(3) determination. There was insufficient information before the Tribunal for it to be satisfied on any of those matters.

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

PLANNING

02 Supreme Court

Environmental Impact Assessment (EIA) – planning permission granted subject to conditions relating to monitoring of water quality to prevent harm to nearby river – whether screening opinion defective – mitigation measures – extent of court's discretion to refuse relief

**R (ON THE APPLICATION OFCHAMPION) V NORTH NORFOLK DISTRICT COUNCIL [2015] PLSCS 227 – Decision given 22.07.15

Facts: In April 2010 NNDC received a planning application in respect of a development of a malting plant close to the River Wensum, a designated SSSI and a special area of conservation (SAC). NNDC issued a screening opinion which indicated that the development, if accompanied by appropriate mitigation measures, was not likely to have significant effects on the environment and thus did not require an EIA. In September 2011, after receiving further information and proposals for mitigation measures that overcame the objections of relevant statutory bodies, it granted planning permission, subject to conditions requiring the monitoring, and if necessary restoration, of the water quality of the drainage network between the site and the river. NNDC thus concluded that no 'appropriate assessment' of the proposals was needed under the Habitats Directive. At first instance the grant of planning permission was quashed on the grounds that NNDC's positions in relation to the screening opinion and the imposition of planning conditions were mutually inconsistent since the former suggested there was no significant risk of pollutants entering the river, while the conditions imposed suggested the contrary. The Appeal judges reversed the decision, finding that NNDC could properly consider that the conditions were necessary as a precautionary measure, without having to conclude that pollutants were likely to enter the river.

Point of dispute: Whether to allow the appellant's appeal against the Court of Appeal's decision.

Held: The appeal was dismissed. The Supreme Court approved the Court of Appeal's reasoning, but also went on to consider other issues concerning: (i) the relationship between an EIA screening opinion and the assessment required under the Habitats legislation; (ii) the timing of a screening opinion; and (iii) the extent to which the screening opinion could take into account proposed mitigation measures.

i. Issues relating to the timing of screening could only arise under EIA legislation as there was no equivalent procedure under the Habitats Directive. Although Article 6 of the latter required an 'appropriate assessment' and set out the matters that had to be taken into consideration, no special procedure was described and it was a matter of judgment for the authority who had to be satisfied that the project in question would not adversely affect the integrity of the site. In the light of the information that it had obtained and the mitigation measures proposed, NNDC had been satisfied that the risk of significant effects on the SAC had been eliminated. The failure to exercise the Article 6(3) trigger at an earlier stage did not undermine the legality of the decision.

ii. Under EIA legislation authorities should adopt screening opinions early in the planning process. A legally defective opinion that no EIA was required, or a failure to conduct a screening exercise at all, could not be remedied by carrying out an analogous assessment outside the EIA Regulations. The screening exercise carried out by NNDC in April 2010 had been legally defective; the case was an archetypal one for an EIA which would have ensured that the risks and the measures intended to address them could be set out in the environmental statement and be subject to consultation in that context. NNDC should have classified the development as EIA development and it was not enough to say that the potential adverse effects had been addressed in other ways.

iii. It was not permissible to rely on mitigation measures at the permission stage to dispense retrospectively with the requirement for an EIA which should have been initiated at the outset. The fact that issues over mitigation were ultimately resolved to the satisfaction of the consultees did not mean there had been no need for an EIA. The failure to treat the proposal as EIA development was a procedural irregularity which was not cured by the final decision.

iv. However, in the circumstances of this case it was appropriate for the court to exercise its discretion to refuse relief. Even where there had been a breach of EIA regulations the court had a discretion to refuse relief if the applicant had in practice been able to enjoy the rights conferred by the European legislation and there had been no substantial prejudice. It was open for the court to take the view, in the light of the evidence provided by the developer or the authority, that the contested decision would not have been different without the procedural defect in question. In this case NNDC was entitled to conclude that the proposal would not have significant effects on the SAC. Nothing suggested that the decision would have been different had its investigations and consultations taken place within the framework of the EIA Regulations; the failure to follow the framework had not, in the event, prevented the fullest investigation of the proposal and the involvement of the public.

03 Court of Appeal

Core Strategy – Conservation of Habitats and Species Regulations 2010

*ASHDOWN FOREST ECONOMIC DEVELOPMENT LLP V WEALDEN DISTRICT COUNCIL [2015] PLSCS 216 – Decision given 09.07.15

Facts: In February 2013 WDC adopted a core strategy, which formed part of the local development plan for the Wealden District and South Downs National Park. The appellant, AFED, owned property which was affected by the decision. One of the policies in the strategy concerned the protection of Ashdown Forest as a Special Protection Area (SPA) for the conservation of wild birds and a special area of conservation under the EC Habitats Directive. That policy sought to achieve a reduction in the recreational impact of visitors from new housing development by requiring that all housing built within 7km of Ashdown Forest should be accompanied by suitable alternative green space provision and contributions to on-site visitor management measures. AFED brought proceedings under s113 of the Planning and Compulsory Purchase Act 2004 to quash the core strategy in whole or in part. In particular, it challenged the imposition of the 7km zone on the grounds that WDC had not considered reasonable alternatives when carrying out the strategic environmental assessment (SEA) in relation to the core strategy, contrary to the European SEA Directive.

Point of dispute: Whether to allow AFED's appeal against the decision of the judge in the court below who dismissed its claim. The judge held that the inclusion of a 7km zone was sufficiently explained in the Habitats Regulations assessment (HRA) which had been carried out for the purposes of the Habitats Directive. The HRA referred to a zone of 5km, which had been applied elsewhere in relation to development near to the Thames Basin Heath, but the judge held that the HRA sufficiently set out the principles reasoning and evidence base which justified the imposition of a protective 7km zone in this case.

Held: The appeal was allowed. There was no evidence that WDC had given any consideration to the question of reasonable alternatives to the 7km zone and this could not be inferred from the contents of the HRA. It was important that the core strategy did not lead to adverse effects on the integrity of the Ashdown Forest SPA, but that did not mean that there were no means of achieving this other than imposing the 7km zone. The assessment report did not state or suggest that nothing short of a 7km zone would suffice or that no other measures were possible. WDC was under a duty to consider reasonable alternatives and the fact that nobody had suggested any could not validate their failure to consider the question at all. There were no grounds for the court to exercise its discretion not to grant relief and the policy imposing the 7km zone would be quashed.

04 Court of Appeal

EIA Directive – planning permission for link road forming part of a bypass – development plan contemplating residential development alongside link road – whether road and development together formed a 'single project' for the purposes of the EIA Directive – cumulative impacts

**R (ON THE APPLICATION OF LARKFLEET LTD) V SOUTH KESTEVEN DISTRICT COUNCIL [2015] PLSCS 248 – Decision given 06.08.15

Facts: In 2013 SKDC received an application for planning permission to construct a link road which would form a section of a new bypass around Grantham. It was anticipated that the link road would be funded in part by a developer who hoped to develop a large residential site adjacent to the link road, but access for the development was dependent upon the provision of the new road. For the purposes of the EIA Regulations the link road was treated as the relevant project and planning permission was granted for it. A planning application was later submitted for the residential development.

Point of dispute: Whether to allow the application for judicial review of the planning permission for the link road. The appellant argued that: (i) the link road and the residential development were so interconnected as to form a single 'project' for the purposes of the EIA Directive; alternatively (ii) even if the link road was a separate project, the environmental statement failed to address its cumulative effects in connection with the residential development.

Held: The appeal against the decision of the court below rejecting the application was dismissed.

- Even though two sets of proposed works might have a cumulative effect on the environment that did not make them a single 'project' for the purposes of the Directive. It was legitimate for different development proposals to be brought forward at different times, even though they might have some degree of interaction, so long as they were properly characterised as different projects.
- The EIA was intended to operate in such a way as to ensure that there was sufficient scrutiny to protect the environment, while avoiding undue delay in the operation of the planning control system. This meant that proposed linked sets of works could be regarded as distinct projects with consideration given to their cumulative effects in the EIA scrutiny for the first project combined with the requirement for separate EIA scrutiny of the subsequent one.
- The link road was properly characterised as a 'project' for EIA purposes which was distinct from the proposed development of the residential site. The link road was part of the Grantham bypass the imperative for which had nothing to do with the residential development.
- The functional and design connections between the link road and the residential site did not detract from that conclusion. Likewise the funding arrangements were contingent matters which did not bear on the planning merits of the proposal to construct the link road to complete the bypass.
- The environmental statement which the interested party had submitted with its planning application contained sufficient information on the cumulative effects of the link road and residential development.

05 High Court

Changes made by Sec of State to national policy in respect of affordable housing and vacant building credit – whether the changes should be quashed

***WEST BERKSHIRE DISTRICT COUNCIL V SEC OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT
[2015] PLSCS 242 – Decision given 31.07.15

Facts: In November 2014 and February 2015 the Sec of State made alterations to national planning policy in respect of planning obligations for affordable housing, which had the effect of preventing authorities from seeking affordable housing requirements for small developments and introduced vacant building credits (whereby a developer is offered a 'credit', equivalent to the existing gross floorspace of relevant vacant buildings, in the determination of affordable housing contributions.) The policy changes were contained in a ministerial statement, with amendments made to the Planning Practice Guidance (PPG), but no alterations were made to the National Planning Policy Framework.

Point of dispute: Whether the changes to the PPG should be quashed on the grounds that:

i. the changes were inconsistent with core principles in the statutory scheme for local plans;

ii. the consultation process carried out by the Sec of State had been unfair;

iii. the Sec of State had failed to take into account material considerations in terms of the potential impact of the changes;

iv. the Sec of State had failed to comply with the public sector equality duty in s149, Equality Act 2010.

Held: The application to quash the changes was granted:

i. The changes set out prescribed thresholds below which affordable housing contributions should not be sought when determining planning applications for housing, and in that respect would displace adopted local plan policies. The new policy was inconsistent with the statutory scheme in which planning authorities were required to do no more than take into account criteria or indicative thresholds when formulating local plan policies.

ii. The rationale for the new policy had not been properly defined and insufficient evidence and explanations had been provided on the 'disproportionate burden' that the proposed policy was intended to address, and accordingly the claimants had not had the opportunity to make proper representations.

iii. The Sec of State had failed to take into account considerations which were 'obviously material' – in particular the main benefits and disbenefits of the proposed exemptions from affordable housing requirements which were clearly material to the decision to adopt the new policy.

iv. The evidence indicated that the Sec of State had not complied with the public sector equality duty requirement in the 2010 Act – in particular adequate steps had not been taken to obtain the relevant information and the assessment exercise had not been carried out with a sufficiently open mind.

06 RTPI Research Report

Planning for growth: The role of LEPs

Following the abolition of regional plans this project examined the potential of Local Enterprise Partnerships (LEPs) to become part of a strategic mechanism to plan for growth. The research reviewed the development of LEPs to date and analysed their role in relation to the statutory planning system, while also considering the potential of LEPs as an alternative strategic planning mechanism. It concluded that LEPs are not a solution to statutory strategic planning at the sub-national level and that they would not wish to take on statutory strategic planning powers or responsibilities. They do, however, have considerable potential to work across and bring together different policy areas such as planning, housing and employment.

http://www.rtpi.org.uk/knowledge/research/projects/small-project-impact-research-spire-scheme/planning-for-growth-the-role-of-leps/

07 DCLG Letter

Local Plans: letter to the Chief Executive of the Planning Inspectorate

This letter sets out the government's position on examining Local Plans and links to wider measures the Government will take to improve plan-making.

https://www.gov.uk/government/publications/local-plans-letter-to-the-chief-executive-of-the-planning-inspectorate

08 Joseph Rowntree Foundation Report

Rethinking planning obligations: balancing housing numbers and affordability

This report examines the ability of planning obligations (s106 agreements) to provide new affordable homes. The report:

- provides an up-to-date picture of national variations in the delivery of homes through planning obligations over time and across different areas;
- uses six case studies of contrasting planning and housing market areas to explore the factors affecting the operation of planning obligations; and
- explores how planning obligations are being supplemented in these case study areas by a range of innovative mechanisms and how localised housing strategies are evolving with the potential for wider application.

http://www.jrf.org.uk/publications/rethinking-planning-obligations-balancing-housing-numbers-and-affordability

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

RATING

9 Supreme Court

Rating of office premises – second and sixth floors of office building occupied by firm of accountants under separate leases – whether the two entries should be merged to form single hereditament

***WOOLWAY (VO) V MAZARS
[2015] UKSC 53 – Decision given 29.07.15

Facts: M, a firm of chartered accountants, occupied the second and sixth floors of an eight-storey office building (Tower Bridge House, London E1) under separate leases. The floors were separated by common areas in the building and were entered in the 2005 rating list as separate hereditaments. In February 2010 M's application to the VTE to merge the two entries to form a separate hereditament was allowed. The VO's appeal against this decision was dismissed by both the Upper Tribunal (Lands Chamber) and the Court of Appeal.

Point of dispute: Whether to allow the VO's appeal against the Court of Appeal's decision, upholding the Upper Tribunal's ruling, that the premises could be treated as one hereditament.

Held: The appeal was allowed unanimously by all five Justices. There are three tests which should be applied to the question of how different storeys in the same block are to be entered in the rating list:–

i. The first test is geographical being based on visual or cartographic unity. If contiguous units are capable of separate occupation and do not intercommunicate, and the only access from one to the other is via other property of which the common occupier is not in exclusive possession, this will be a strong indication that they are separate hereditaments. In this case the fact that the only access between the offices in question was through a public part of the building meant that there was discontiguity between the offices, and it was not relevant whether they were vertically or horizontally adjacent.

ii. The second test is a functionality one. Where two areas are geographically distinct, they may still be treated as a single hereditament if the use of one is necessary to the effectual enjoyment of the other.

iii. Whether one area is necessary to the effectual enjoyment of the other depends, however, not on the business needs of the ratepayer but on the objectively ascertainable character of the premises, which calls for a factual judgment on the part of the valuer. The 1956 decision in *Gilbert v Hickinbottom*, which is commonly relied upon to support a single assessment based on 'functional integration', cannot be relied upon or used as authority for very much.

In the present case neither the geographical nor functional test was applicable. The second and sixth storeys of Tower Bridge House should be entered in the rating list as separate hereditaments.

10 Court of Appeal

Non-domestic rates – agriculture – land used for producing mushroom compost sold on to farmers who used it for growing and harvesting mushrooms – whether hereditament consisted of agricultural land or agricultural buildings qualifying for exemption from rates as market garden

*REEVES (VO) V TUNNEL TECH LTD
[2015] PLSCS 212 – Decision given 09.07.15

Facts: The appellant, TT, occupied 10ha of land on which it operated a plant for the production of mushroom compost containing mushroom mycelium. The production process involved three phases and the final material produced was sold to mushroom farms, where the mushrooms were finally grown and harvested. As part of the operation TT constructed a reservoir, plant and various buildings on the land, including one which contained insulated polytunnels, a filling hall and an emptying and dispatch hall. The VT accepted TT's contention that it was entitled to agricultural exemption from rates, holding that the premises qualified for exemption as a 'market garden' within the meaning of Schedule 5 of the Local Government Finance Act 1988. That decision was reversed on appeal by the Upper Tribunal (Lands Chamber).

Point of dispute: Whether to allow TT's appeal against the Upper Tribunal's ruling that its premises did not qualify for exemption from rates as either: (i) 'agricultural buildings' used for a market garden, within paras 1(b) and 3(b) of Schedule 5 to the 1988 Act, since TT did not grow anything which was sold to the public for consumption, which meant that its operation was a nursery ground rather than a market garden; or (ii) 'agricultural land' comprising 'anything which consists of a market garden, nursery ground, orchard or allotment' within paras 1(a) and 2(1)(d) of Schedule 5, since that exemption did not cover buildings.

Held: The appeal was dismissed.

i. The rating legislation separately categorised market gardens and nursery grounds. Market gardens where all agricultural operations are undertaken in buildings are exempt from rates, while nursery grounds, where agricultural operations are undertaken in buildings, are not. A market garden produces articles such as fruit and vegetables for sale and for consumption directly or indirectly by the public, while the produce of a nursery ground requires some further process before it can be consumed. The sale of a consumable product in a market was an important facet of the notion of a market garden. The product which was sold from TT's hereditament was neither consumable nor for sale directly or indirectly to the public. It was intended to be subject to further processes elsewhere before it was capable of consumption. Therefore TT's hereditament was a nursery ground for the purposes of Schedule 5.

ii. The hereditament was not 'agricultural land' within paras 1(a) and 2(1)(d) of Schedule 5 since all the agricultural operations were carried out in buildings. There had long been a clear distinction in the rating legislation between agricultural land and buildings which had been retained in Schedule 5 of the 1988 Act. There was no obvious explanation as to why the legislation conferred exemption for rates on market gardens where all agricultural activities were carried on in buildings, but did not confer that exemption on nurseries where all agricultural operations were carried on in buildings, but nonetheless the statutory distinction between their treatment was clear and unambiguous.

11 Upper Tribunal (Lands Chamber)

Whether the letting of the appeal property provides the most reliable evidence – whether a 'tone of the list' had been established – rental and assessment evidence also available – comparisons between Lists.

*LAMB (VO) V GO OUTDOORS LTD
[2015] UKUT 0366 (LC) Decision given 16.07.15

Facts: GO occupied a retail warehouse on Portrack Lane, Stockton-on-Tees and appealed to the Valuation Tribunal for England (VTE) in respect of the 2010 rating list entry of RV £350,000. Draft heads of terms for the lease were agreed in May 2008 and an agreement for lease was completed on 22.12.08 on the same terms as the draft heads, save for a slightly reduced rent review cap. The VTE determined that the rent on the property had been established following negotiations close to the Antecedent Valuation Date (AVD) and as such provided strong evidence of the value. The VTE did not accept that a 'tone of the list' had been established and of the 160 retail warehouses in the Stockton area no more than ten were directly comparable to the appeal property. The best evidence was the passing rent and an RV of £180,000 was determined.

Point of dispute: Should the agreed rent on the appeal property, with only a limited amount of other evidence, form the best guide to the RV, or should evidence of other assessments and the tone of the list be preferred? Neither party considered the VTE's decision to be correct, the VO submitting that the RV should be £345,000 and the ratepayer £226,000.

Held: The compiled list entry was altered to £275,000:

i. The key evidence was the rent agreed on the property itself and the rental and assessment evidence of a small number of comparable properties in close proximity to the appeal property. The rent agreed was a significant piece of evidence due to the fact that the original draft terms were issued within two months of the AVD and, despite the delay in completion, the terms were not renegotiated. The propositions of *Lotus v Delta* provided useful guidance.

ii. Properties within a two-mile radius of the property were most persuasive in terms of comparability. The analyses of two lettings, subject to adjustment for differing market conditions, were applied in determining the correct rate to apply to the ground floor of the subject property.

iii. On the question of whether a tone of the list had been established, the case of *O'Brien* was considered and it was determined that, for retail warehouses in the Stockton area, the rating list had not progressed beyond stage two of the three-stage test and that not enough assessments had been agreed or determined or left unchallenged to establish a pattern of values.

iv. The Upper Tribunal was not persuaded that any weight should be attached to a comparison between the 2005 and 2010 rating lists. *Lidl v Ryder (VO)* [2014] RA 23 and *Lamb v Minards (VO)* [1974] 153 were considered, where the Tribunal had preferred up-to-date rental evidence over relativities between lists. It was considered that in this case the evidence cast doubt on the value of such a comparison and that the presumption of uniformity of change was rebutted by evidence *(Barnard and Barnard v Walker (VO)* [1975] RA 383).

On the question of the rate to be adopted for the mezzanine floor, the Tribunal preferred the appellant's approach which was based on the settlements reached on comparable assessments and endorsed the use of different rates being adopted depending on the use of the floor space.

12 Valuation Tribunal for England

Whether part of a former town hall converted and used as a library should be valued on the Contractor's or the rental basis

**ROYAL BOROUGH OF KENSINGTON AND CHELSEA V DUNLEAVY (VO)
Decision given 10.07.15

Facts: This was an appeal by the RBKC against the RV in the 2010 Rating List of Chelsea Library in Kings Road, SW3, entered in the List at RV £295,000 from 1 April 2010. The building dates from around 1906 and is Grade II Listed. It was originally part of the Chelsea Town Hall and the greater part is still used as offices by RBKC with a separate rating assessment of 'offices and premises'. The front section on two floors comprises the library and was assigned a separate rating assessment of 'library and premises' which was the subject of the appeal.

Point of dispute: The appropriate method of valuation to be adopted. RBKC contended for a valuation of £113,000 on the Contractor's Basis, applying building costs, allowances etc. consistent with those agreed for other libraries in the Borough and elsewhere. The VO contended that the property was physically no different from the other parts of the building assessed as offices and, applying the evidence of office values in the locality, contended for a RV of £330,000, the increase from £295,000 reflecting some floor area anomalies and the fact that no allowance had previously been made for the presence of air conditioning. The VO argued that the Contractor's basis evidence all related to purpose-built libraries, whereas the property comprised part only of a building which was mainly used as offices and had itself been used as offices prior to the library relocating here in 1978.

Held: The Tribunal held that, in the absence of direct comparable rental evidence for libraries, the Contractor's basis should be adopted and determined a RV of £146,000. The difference from the figure of £113,000 contended for was due mainly to the appropriate allowances for age and obsolescence. Moreover, the Tribunal stated that it did not consider that the layout of the accommodation was suitable for offices in its current state.

Editor's Note: Gerald Eve's Partner Andrew Altman represented RBKC at the hearing.

13 DCLG Publication

Administration of business rates in England: interim findings

In the Autumn Statement 2013 the government announced that it would commence a discussion with businesses and local authorities about long-term administrative reform to business rates in England after 2017. This paper summarises its interim findings and sets how the government proposes to respond to businesses' calls for clearer billing, better sharing of information and a more efficient appeals system.

https://www.gov.uk/government/publications/administration-of-business-rates-in-england-interim-findings

14 Business Rates Information letter

6/2015: Business rates Budget measures

This letter provides information on:

- Business Rates Administration Review – Update
- Business Rates Avoidance – Update
- Local Newspapers

https://www.gov.uk/government/publications/62015-business-rates-budget-measures

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

HOUSING

15 CPRE Publication

A Living Countryside

This paper (the fifth in the CPRE Housing Foresight series) identifies a range of solutions to increase and sustain affordable homes in rural areas. These include better funding and guidance, incentives to identify suitable sites, and rural exemptions from national policies which restrict rural affordable housing.

http://www.cpre.org.uk/resources/housing-and-planning/housing/item/4009-a-living-countryside

16 National Audit Office Report

Disposal of public land for new homes

This sets out the NAO's findings from its investigation into the previous Government's progress in meeting its target "to release enough land to build as many as 100,000 new, much-needed homes and support as many as 25,000 jobs by 2015". Key findings of the investigation include the following:

- Progress in disposing of land was slower than expected and the Government had to take action to increase land sales. Measures were taken to increase delivery, such as transferring land to the Homes & Communities Agency for disposal.
- By the end of March 2015 government departments had disposed of enough land to provide 109,590 homes on 942 sites.
- The Department for Communities and Local Government (DCLG) applied a wide interpretation of the land that could be counted towards the target.
- The Government has recognised that disposal of surplus land at an accelerated rate would not necessarily lead to increased home building. Departments used a range of disposal methods and partnering approaches with developers with the aim of ensuring that homes were built and profits shared.
- As departments do not routinely monitor what happens on a site after it has been sold there is no information on how many homes have actually been built on land that has been disposed of.
- The DCLG does not collect information on the sums of money raised from the sales, so it is difficult to assess whether departments obtained good value from their disposals or whether the government secured value for money from the programme as a whole.

http://www.nao.org.uk/press-releases/disposal-of-public-land-for-new-homes-2/

17 HCA Housing Market Bulletin

Housing market bulletin – July 2015

- Although house prices are increasing at a slower rate than this time last year, nevertheless price rises remain strong.
- The seasonally adjusted monthly number of home sales increased slightly over the last year, despite a drop in gross mortgage lending.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/448164/HCA_Housing_Market_Bulletin_-_July_2015.pdf

18 CLG Statistics

New households and recent movers

This statistical data set is part of the English housing survey. It contains data on the mobility, demographics and tenancy types of new households and those that have recently moved. The tables include information on:

- mobility among all households;
- length of residence;
- demographic characteristics of movers;
- movement between tenures;
- movement into and out of tenures; and
- tenancy deposits.

https://www.gov.uk/government/statistical-data-sets/new-households-and-recent-movers

19 CLG Statistics

Tenure trends and cross tenure analysis

This set contains data on the nature and number of tenancies at the regional and national level. The tables include information on:

- tenure trends at national and regional levels;
- cross-tenure comparisons of characteristics of households and their accommodation;
- over-crowding and under-occupation; and
- need for specially adapted accommodation.

https://www.gov.uk/government/statistical-data-sets/tenure-trends-and-cross-tenure-analysis

20 English Housing Survey Bulletin

English Housing Survey Bulletin: Issue 13 – Annual Reports

Four 2013-14 EHS Annual Reports – on Households, Homes, Energy Efficiency and Fire Safety, plus accompanying live tables – were published on the DCLG website on 16.07.15. These reports expand on statistics first released in February in the EHS Headline Report 2013-14 and cover a wide range of topics relating to both the physical condition of homes and the circumstances of their occupiers.

https://www.gov.uk/government/publications/english-housing-survey-bulletin-issue-13

REAL PROPERTY

21 Court of Appeal

Boundaries – whether the hedge and ditch rule applied to define the boundary

**PARMAR V UPTON
[2015] PLSCS 231 – Decision given 22.07.15

Facts: P owned a property on part of which he built two residential properties which he then sold on. U owned a neighbouring house and agricultural land, and brought proceedings in the county court claiming that P's development involved trespass on his land. The principal issue was the position of the boundary between the two properties; U contended that it was defined by the conveyancing history, including conveyances of his own property. The court below dismissed U's claim, finding that the boundary of his property was defined by a ditch bordered by a hedge which, until at least 1925, had run along almost the whole of the disputed boundary. The judge applied the 'hedge and ditch rule' under which the boundary was presumed (from *Vowles v Miller* (1810)) in the absence of evidence to the contrary to lie along the edge of the ditch on the far side from the hedge. The rule is based on the premise that a person marking his boundary with a ditch would cut the ditch to the edge of his land but would have to ensure that the ditch, the soil from it and a hedge that might be planted on top of the soil were all on his land. P appealed the decision.

Point of dispute: Whether to allow P's appeal against the decision that the hedge and ditch rule applied in this case.

Held: The appeal was dismissed. The hedge and ditch rule was still a valuable means of enabling neighbouring owners of rural land to resolve boundary disputes and involves presumptions that the ditch would have been dug after the boundary was drawn and that it would be dug, and the hedge grown, as described in *Vowles*. In this case nothing in the conveyancing documents displaced the application of the rule and the judge had been correct in applying it in this case as decisive of the dispute.

22 Upper Tribunal (Tax and Chancery Chamber)

Adverse possession – common character of locality

**SMITH V FRANKLAND
[2015] PLSCS 199 – Decision given 28.05.15

Facts: The appellant, S, claimed title by adverse possession to a garage and an adjoining area of land to the west, the paper title to which was owned by F, the respondent. At first instance the judge held that S had acquired title to the garage, but not to the land where, at best, he may have acquired an easement to park.

Point of dispute: Whether to allow S's appeal. S argued that the judge had failed to consider whether the evidence established: (i) actual possession of the western land by reference to S's grant of a licence to park to a neighbour and clearing and management of foliage; and (ii) a 'common character of locality' between the garage and the western land which gave rise to the reasonable inference of possession of the western land.

Held: The appeal was dismissed. The grant of a licence was indicative that the licensor considered himself to be in control of the land and thus an indication that he had the necessary intention to possess. The question was whether there was a common character of locality between the different parts sufficient to raise a reasonable inference that the land in question belonged to the possessor in the same way as the other parts did. There was a clear distinction between the two parts with the garage being enclosed and the western land being open with no clear boundaries, while the garage was used for storage and the land for parking by a neighbour. The parking use was not related to S's own use of the garage and S's possession of the garage for storage did not raise a reasonable inference of possession of the western land which was used for a different purpose entirely. The judge had been entitled to find that such use as S had made of the western land at best supported an easement for parking on it and that there was insufficient evidence of the exclusive possession needed to establish adverse possession.

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TORT

23 High Court

Solicitor's negligence – competing pub businesses – goodwill – causation

*LUFFEORM LTD V KITSONS LLP
[2015] PLSCS 219 – Decision given 02.07.15

Facts: In early 2011 a married couple instructed K, a firm of solicitors, to act for them in connection with the purchase of a lease of a public house in Chudleigh, Devon. The greater part of this price, and in relation to which the purchasers took no valuation advice, related to the goodwill of the business. The purchase went through quickly in order to be completed in time for Easter and the claimant company, L, was incorporated as a vehicle for the acquisition. The premises yielded a poor return and the business was sold in July 2013 for just under £70,000. L alleged that the lack of success was due to the fact that one of the original leaseholders took over a pub in a nearby village and much of his original clientele went with him.

Point of dispute: Whether L's claim against K in negligence would be allowed. L argued that K should have advised it to require a covenant restraining the previous leaseholder from operating a competing public house within a five mile radius for a period of two years. It alleged that K had been negligent in failing to advise of the need for such a covenant and of the risk to the business if one was not obtained. K argued that such advice fell outside the scope of its duty as a commercial conveyancing solicitor.

Held: The claim was dismissed.

i. A solicitor was not normally under a duty to advise on the commercial wisdom of a transaction. His duty had to be measured against his retainer, but if in the course of carrying out his instructions he became aware of a risk or potential risk to his client he was under a duty to inform the client. In this case K was not under any duty to advise L of the commercial risks inherent in the transaction, but it should have noticed the absence of a restraint of competition covenant and drawn that to L's attention. Its failure to do this was negligent and in breach of contract.

ii. However, L had not shown that this failure had caused its loss. It was unable to establish, on the balance of probability, that it would not have proceeded with the purchase had the correct advice been given. The couple were determined to proceed with the purchase as quickly as possible and were certain in their own minds that they could make a success of the pub. On the evidence they would not have tried to negotiate for a covenant nor withdrawn from the purchase since they regarded the business that they were trying to run from the pub as different from any business that the vendor operated.

24 High Court

Solicitor's negligence – duty to inform purchaser of nearby development

*ORIENTFIELD HOLDINGS LTD V BIRD & BIRD LLP
[2015] PLSCS 215 – Decision given 26.06.15

Facts: The claimant, OH, agreed to buy a large property in North London from P and engaged the defendant firm of solicitors, BB, to act for it in connection with the transaction. Contracts were exchanged, but before completion could take place OH purported to rescind the contract. Subsequent proceedings between OH and P were settled, but OH sought damages from BB for alleged breach of contract, or negligence, on the basis that BB had failed either to discover, or inform it about, the redevelopment of a site near to the property where a large new school was to be built.

Point of dispute: Whether to allow OH's claim. BB argued that it was not under a duty to inform OH about the proposed development, although it had become aware of it from the result of a search of extant planning permissions and applications within a 300m radius of the property (Plansearch). It argued that in any event OH's losses were not caused by this alleged breach of duty and that it had failed to mitigate its loss by failing to complete the purchase since the development had not diminished the property's value; and/or OH's failure to mediate with P had increased its litigation costs.

Held: OH's claim was allowed.

i. A solicitor was not under a duty to carry out investigations that were not expressly or impliedly requested by the client, but if he did discover information that could be of importance he was under a duty to bring it to his client's attention. Having carried out the Plansearch report BB was in breach of its duty to include a summary of its effect in its report to OH. OH would then have had an opportunity to decide whether to proceed, withdraw, or obtain more information before making a decision.

ii. OH was fully entitled to the view that the development was an adverse factor to proceeding. It was difficult to foresee what the effect of the development would be on the property after it had been refurbished, particularly in a small market for very high value residential properties, and OH was entitled to decide that the development altered the risk profile. As there was no question that the funds were available to complete OH had established the causal link necessary for its claim in damages for breach of duty against BB.

iii. The notion that OH was required by the mitigation principle to complete the purchase by paying the balance of the purchase price in excess of £22 million, when in its judgment the transaction was no longer commercially attractive, was unsustainable. The duty to mitigate did not impose on a plaintiff an obligation to take any step which a reasonable and prudent man would not ordinarily take in the course of his business.

iv. When and on what basis an approach was made by a party to mediate was a judgment call. There was no evidence that OH was not taking the advice that it was given by its new solicitors in relation to the proceedings against P or that the solicitors were refusing to mediate.

25 High Court

Alleged misrepresentations on sale of land – whether misstatements were made in relation to development affecting the property

*THORP V ABBOTTS
[2015] PLSCS 235 – Decision given 22.07.15

Facts: T acquired a house from A in 2010 and subsequently brought proceedings against A claiming damages for misrepresentation in answers which it was alleged were fraudulently given in the seller's property information form (SPIF) completed by A. T claimed that truthful answers would have revealed proposals for large scale development in the vicinity which would have caused him to withdraw from the purchase.

Point of dispute: Whether A's answers to question 3.1 of the SPIF, which concerned notices, and 3.2 which referred to 'negotiations or discussions', were false as there had been a public consultation in 2008 by three local authorities, which considered the identification of potential sites for major housing development in the vicinity, and the issuing of a flyer by a group opposing such development and discussions between A and a member of that group.

Held: The claim was dismissed. The starting point in a conveyancing transaction was still *'caveat emptor'* (buyer beware) and it was for the buyer to satisfy himself about the condition of a property and other relevant matters including possible changes to the character of the neighbourhood. A buyer may make inquiries of the seller but the seller is under no obligation to answer them. Question 3.1 of the SPIF sought disclosure of matters about which a 'notice or communication' had been given which affects the property, but these had to be notices or communications from someone proposing to take action or from some regulatory body responsible for authorising or permitting that action – the question did not apply to communications coming from other persons. Question 3.2 related to negotiations or discussions with either the person whose proposal or intention would affect the property or, again, an authority in a position to authorise or permit it to happen. In this case there had been no notice or communications which should have been disclosed in question 3.1, and discussions with an opposition group member were not discussions which would need to be disclosed under question 3.2. The answers given to the SPIF had accordingly not been misrepresentations.

CONTRACT

26 High Court

Sale of land – planning condition – claimant agreeing conditionally to purchase stadium from defendant for supermarket – planning permission containing onerous condition regarding delivery times – whether claimant could lawfully terminate agreement

*SAINSBURY'S SUPERMARKETS LTD V BRISTOL ROVERS (1883) LTD
[2015] PLSCS 218 – Decision given 13.07.15

Facts: The defendant, BR, which owned a stadium in Bristol, wished to build and move to a new stadium in another part of the city while the claimant, S, was looking for a development site in Bristol for a new supermarket. The parties entered into an agreement whereby S would buy BR's stadium for £30m, lease it back to BR for a peppercorn rent while BR built its new stadium, and then S would develop the site as a supermarket. The agreement contained a condition requiring S to obtain an acceptable planning permission for the development of a supermarket on the site. If the conditions were not satisfied by a certain date then either party could terminate the agreement by service of written notice, whereupon the agreement would terminate 20 days afterwards. The agreement stated that a planning refusal would include a permission that was not acceptable, including one which contained any condition which had the effect of restricting the delivery and despatch of goods to between 5am and midnight on any day. The planning permission granted contained a restriction on delivery times and S's application to vary the restriction under s73 of the TCPA 1990 was refused. Although no termination notice was served the parties agreed that S would be deemed to have served one on the first day when it could lawfully have done so after 27.10.14, the day on which it was going to serve the notice.

Point of dispute: Whether to allow S's claim that it had lawfully terminated the agreement for non-satisfaction of the conditions precedent. BR argued that the agreement was either still in force or had been terminated in breach of contract.

Held: The claim was allowed.

i. Under the agreement S was under an obligation to procure an acceptable store planning permission. BR had foregone its rights to make any planning applications itself which meant that S was bound to use all reasonable endeavours to procure an acceptable planning permission until 20 days after expiry of a termination notice.

ii. S had only agreed to make one s73 application without resorting to planning counsel. An acceptable store planning permission could not have been obtained before the termination date because BR had agreed to the timing and terms of the s73 application and planning counsel had not approved an appeal. In the circumstances the store planning condition had not been satisfied and could not have been satisfied on the facts, so S's claim had to succeed.

LONDON

27 Family Mosaic – Research Report

Future Housing Needs of London

This report examines which groups are likely to be worst affected by the continuing undersupply of housing in London with the aim of helping housing associations and others to take informed decisions about where best to allocate their resources.

http://www.familymosaic.co.uk/our-research/index.html

28 London First Report

Opportunity Knocks: Piecing together London's Opportunity Areas

London First is campaigning for a step change in housebuilding in London, aiming to double output to 50,000 new homes a year. Opportunity Areas are one of Mayor Boris Johnson's flagship schemes, consisting of 38 brownfield land areas which are earmarked to supply up to 303,000 new homes and 575,000 new jobs. This report analyses the progress that has been made in the 38 Opportunity Areas and the challenges that they face and suggests possible solutions. The report highlights the following challenges:

- London boroughs often lack the experienced senior staff or specialist resources necessary to manage large and complex phased developments.
- there is a lack of information available to prospective developers and investors about the level of public support required in each Opportunity Area.
- it is unclear how the required transport infrastructure costs will be met and built on time in Opportunity Areas.
- utility regulation needs to be reformed to enable more timely forward provision of electricity and water infrastructure.

The report's key recommendations include the following:–

- the Mayor should require boroughs to introduce simpler planning rules across all Opportunity Areas, including rules about when Community Infrastructure Levy (CIL), s106 planning obligations and affordable housing requirements will need to be removed or reduced in early phases to assist with viability;
- a dedicated GLA-led advisory team focused on supporting the delivery of Opportunity Areas should be established to support boroughs in implementing development in Opportunity Areas;
- the Mayor should ensure that a more detailed work plan, equivalent to a business plan, should be created to provide greater certainty for investors and public bodies and help to protect Opportunity Areas against the impact of economic and political cycles;
- the Opportunity Areas should be categorised – green, amber, and red – by the GLA to show the level of support from public sector bodies required for developing each Opportunity Area; and
- the Government should support the sustained investment in infrastructure required to deliver additional housing, jobs and economic growth in London's Opportunity Areas. This might include the provision of additional resources, powers or other guarantees that will enable London to fully meet its growth potential.

http://londonfirst.co.uk/opportunity-knocks-piecing-together-londons-opportunity-areas%EF%BB%BF/

GENERAL

29 CLG Statistics

Land use change statistics in England: 2013/14

This release shows changes in land use and residential development in terms of the location and type of change, including changes within the Green Belt and areas of high flood risk.

https://www.gov.uk/government/collections/land-use-change-statistics#history

GERALD EVE'S UK OFFICE NETWORK

Gerald Eve LLP is an independent firm of chartered surveyors and property consultants, employing more than 390 people across the UK.

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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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Gerald Eve Research
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EVEBRIEF

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SCOTLAND

LANDLORD & TENANT

01 Scottish Assembly Government publication – Analysis of Consultation Responses

Second Consultation on a New Tenancy for the Private Sector

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

This report presents an analysis of responses to the Scottish Government's second public consultation on a proposed New Tenancy for the Private Sector. The consultation sought stakeholder views on proposals which had been further developed following the initial consultation in 2014.

http://www.gov.scot/Publications/2015/08/3653

PLANNING

02 Scottish Assembly Government Research Report

Planning for Infrastructure Research Project: Final Report

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

This research identifies and reviews existing and emerging practice in the delivery of infrastructure to enable development through the planning system in Scotland. By identifying key principles and using case studies, the research aims to assist planning authorities to develop frameworks for infrastructure delivery and makes recommendations on further actions.

http://www.gov.scot/Publications/2015/08/9339

GERALDEVE

HOUSING

03 Scottish Assembly Government guidance

Implementing the Housing (Scotland) Act 2006, Parts 1 and 2 – Advisory and Statutory Guidance for Local Authorities – Volume 3: Maintenance

This part of the guidance is mainly aimed at local authority private sector housing teams and environmental health and strategic policy staff. It is intended to:

- provide an overview of the powers to issue maintenance orders requiring maintenance plans or to pay money into maintenance accounts;
- provide an overview of the requirements in terms of service of documents, appeals, recovery of expenses and repayment charges;
- identify issues which local authorities may need to consider when implementing these new powers; and
- provide good practice suggestions to help with implementation of these powers.

http://www.gov.scot/Publications/2015/07/7697

WALES

PLANNING

04 Act

Planning (Wales) Act 2015

This Act received Royal Assent on 06.07.15. It makes wide ranging provisions relating to national, strategic and local development planning, applications to Welsh Ministers, development management, applications for planning permission, enforcement and appeals.

http://www.legislation.gov.uk/anaw/2015/4/contents/enacted

05 Statutory Instrument

WSI 2015/1522 The Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015

W.e.f. 01.10.15 these Regulations consolidate, with changes, the provisions of the Town and Country Planning (Fees for Applications and Deemed Applications) Regulations 1989, in so far as they apply to Wales, and the Town and Country Planning (Fees for Non-Material Changes) (Wales) Regulations 2014.

http://www.legislation.gov.uk/wsi/2015/1522/contents/made

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RATING

06 Welsh Government Consultation

Non-Domestic Rating (Definition of a Domestic Property) (Wales) Order 2015 and Guidance for Ratepayers
Deadline for Responses: 14.09.15

This is a technical consultation on the draft of The Non-Domestic Rating (Definition of a Domestic Property) (Wales) Order 2015 and the accompanying guidance for ratepayers.

http://gov.wales/consultations/localgovernment/non-domestic-rating-guidance/?status=open&lang=en

07 Welsh Government Consultation

Setting the decapitalisation rate for the non-domestic rate revaluation 2017
Deadline for Responses: 25.09.15

This consultation invites views on the following:

- whether decapitalisation rates should be prescribed in legislation
- how many rates should be prescribed;
- the methods for setting the rate; and
- how the rate(s) should be calculated.

http://gov.wales/consultations/localgovernment/setting-decapitalisation-rate-for-non-domestic-rate/?lang=en

08 Welsh Government Consultation

Proposals relating to Strategic Planning Panels Regulations: Composition and Financial matters
Deadline for comments: 02.11.15

This consultation invites views on proposals for the composition and financial matters relating to strategic planning panels which are introduced through the Planning (Wales) Act 2015. A strategic planning panel is to be a public body within Wales with just one function of plan-making. It will have corporate body status and will be formed of both local planning authority members and nominated members from social, economic and environmental groups.

http://gov.wales/consultations/planning/proposals-relating-to-strategic-planning-panels-regulations/?lang=en

09 Welsh Government Consultation

Further secondary legislation for development management
Deadline for comments: 26.10.15

This consultation invites comments on proposed amendments to the following three Orders:

- The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 to update the consultation thresholds for statutory consultees.
- The Town and Country Planning (Development Management Procedure) (Wales) Order 2012 in relation to Design and Access Statements to make them mandatory only in certain circumstances.
- The Town and Country Planning (Use Classes) Order 1987 to create a new use class for small Houses in Multiple Occupation and related amendments to the GPDO. The aim of this proposal is to allow local authorities the opportunity to consider the impacts of small HMOs on the local area through the submission of a planning application.

http://gov.wales/consultations/planning/further-secondary-legislation-for-development-management/?lang=en

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NORTHERN IRELAND

GENERAL

10 Statutory Instrument

NISR 2015/302 The Lands Tribunal (Amendment) Rules (Northern Ireland) 2015

W.e.f. 10.08.15 these Rules amend the Lands Tribunal Rules (Northern Ireland) 1976 in respect of the fees for appeals in relation to an entry in a NAV list and for copies of documents.

http://www.legislation.gov.uk/nisr/2015/302/contents/made