

S FRANCES LTD V THE CAVENDISH HOTEL (LONDON) LTD

6th February 2019

Section 30(1)(f)

“that on the termination of the current tenancy the landlord intends to demolish or reconstruct the premises comprised in the holding or a substantial part of those premises or to carry out substantial work of construction on the holding or part thereof and that he could not reasonably do so without obtaining possession of the holding”

1. demolish the whole of premises comprised in the holding

2. demolish a substantial part of those premises

3. reconstruct the whole of the premises comprised in the holding

4. reconstruct a substantial part of those premises

5. carry out substantial work of construction on the holding

6. carry out substantial work of construction on part of the holding

FRANSES: KEY FACTS

- **Ground floor and basement of 80 Jermyn Street occupied by T as retail art gallery, showroom and archive**
- **Any material change of use required planning consent**
- **Remainder of building was a hotel**
- **LL came up with several successive schemes**
- **1st scheme: incorporated former hotel bar into ground floor.**
 - **Abandoned v quickly**
- **2nd scheme: 2 retail units incorporating part of the hotel + external works including installing a street door for access to one of the units. Withdrawn after planners recommended refusal**

FRANSES: KEY FACTS

- 3rd scheme: based on the 2nd scheme but:
 - without external works (which needed pp) - so that one unit would be inaccessible from street and dividing wall between retail units would have a 2m gap to the street.
- with more extensive internal works which were “objectively useless”:
 - creation of “impractical stepped floor”,
 - reposition of smoke vents “for no reason”,
 - demolition of internal wall and immediate replacement in same place.
- It was common ground that works had “no practical utility” - impossible to make use of them without planning permission for change of use
- Open admission by L that works designed for sole purpose of obtaining VP