

What is a self-contained building?

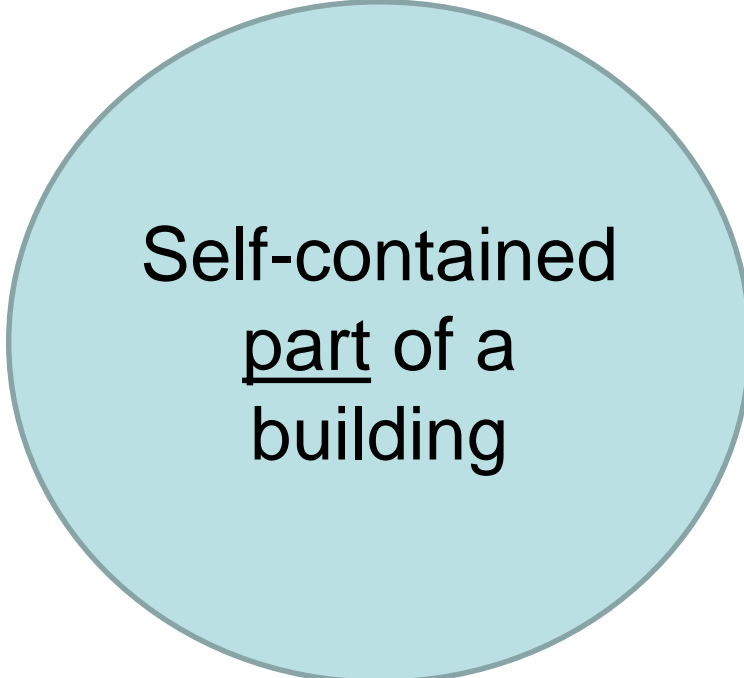
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Qualifying Premises



Self-contained
building



Self-contained
part of a
building

Self-contained building

= structurally detached

- The purpose of the requirement is to ensure that the premises are susceptible to being managed as a discrete unit: see **No.1 Deansgate (Residential) Ltd v No. 1 Deansgate RTM Co Ltd** [2013] UKUT 580 (LC)
- The question is one of fact: **Albion Residential v Albion Riverside RTM Co Ltd** [2014] UKUT 6 (LC).

Self-contained building



**No.1 Deansgate (Residential)
Ltd v No. 1 Deansgate RTM
Co Ltd [2013] UKUT 580 (LC)**

Self-contained building



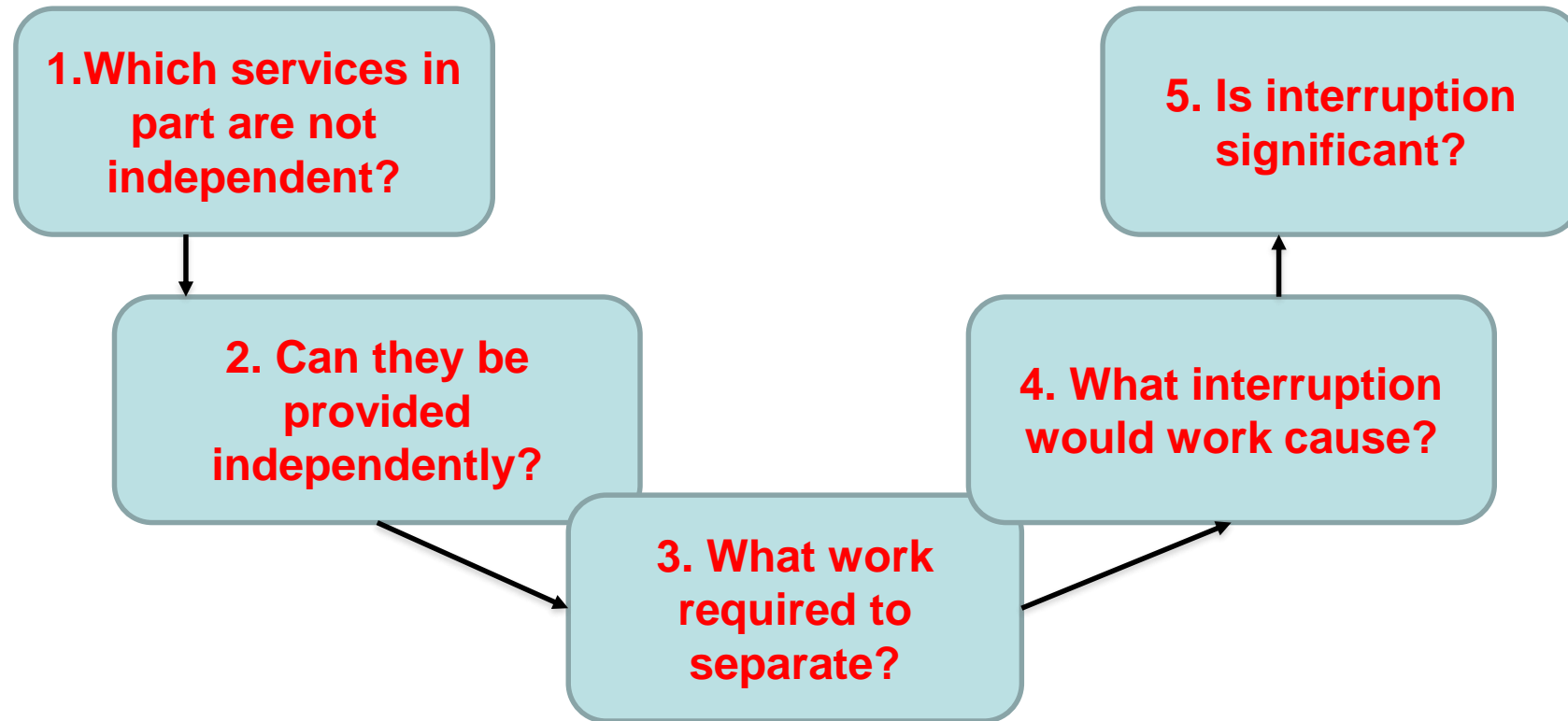
**Albion Residential v Albion
Riverside RTM Co Ltd [2014]
UKUT 6 (LC).**

Self-contained part of a building

1. Vertical division
2. Structure of building is such that the part could be redeveloped independently
3. Relevant services either:
 - Are provided independently; or
 - Could be provided independently without works likely to result in a significant interruption in services for remainder of the building

Can services be provided independently?

- In **Oakwood Court (Holland Park) v Daejan** [2007] 1 EGLR 121, the County Court proposed five step test:



Part of parts

- Court of Appeal has confirmed that a self-contained part of a building is not precluded from the rights to enfranchisement simply because it is capable of being sub-divided into smaller self-contained parts: **Crafrule Ltd v 41-60 Albert Palace Mansions (Freehold) Ltd** [2011] EWCA Civ 185.

CQN RTM Co Ltd v Broad Quay North Block Freehold Ltd [2018]



CQN RTM Co Ltd v Broad Quay North Block Freehold Ltd

Key Facts

- RTM context (s.72 of the 2002 Act);
- FtT had held that premises were not structurally detached;
- Premises comprised a basement, two ground level commercial units, residential flats on floors 1-7;
- Car park ramp was mostly under tower block (not premises) but also under the premises;
- Tribunal said that lack of “*visible division*” between the parts meant that not structurally detached and the “*integrated connection*” between the two buildings amounted to a structural attachment;
- No loadbearing connection between premises and neighbour, but did touch.

CQN RTM Co Ltd v Broad Quay North Block Freehold Ltd

Decision

- Appeal dismissed;
- FtT was entitled to find that building was not structurally detached;
- Summary of key principles at [54].

CQN RTM Co Ltd v Broad Quay North Block Freehold Ltd

Reasoning

- The ramp of the car park and its ceiling were clearly part of the structure of the car park and part of them were comprised within the premises;
- Structural detachment did not mean “*having no load-bearing connection*”;
- “*whilst mutual structural reliance, or inter-dependency, may indicate structural attachment, its absence does not, in my judgment, necessarily connote structural detachment, provided some part of the essential or core fabric of the subject premises is attached to some part of the essential or core fabric of another building.*”

Palgrave Gardens Freehold Co Ltd v Consensus Business Group (Ground Rents) Ltd [2019]



Palgrave Gardens Freehold Co Ltd v Consensus Business Group (Ground Rents) Ltd

Key Facts

- Development constructed on the site of a former depot of the St Marylebone Railway;
- Building comprises four curved residential blocks, a further residential block, a single storey commercial block and a single storey leisure centre;
- Single basement car park runs underneath all blocks and beyond footprint of residential blocks;
- Each block was independent self-supporting structure and blocks were not interconnected at ground level or above;
- One notice used for one enfranchisement claim of all the residential blocks and the car park underneath.

Palgrave Gardens Freehold Co Ltd v Consensus Business Group (Ground Rents) Ltd

Decision

- The development as a whole, including all residential blocks and the basement car park, could be regarded as a building;
- This is regardless of the fact that individual blocks of the development could themselves be regarded as self contained buildings.

Palgrave Gardens Freehold Co Ltd v Consensus Business Group (Ground Rents) Ltd

Reasoning

- The word "building" was not defined by the Act and there was very little guidance as to its meaning in the context of collective enfranchisement;
- The units formed, however, "*part of a coherent building of consistent structural form and fabric, clearly designed as a single entity*";
- Tripleroose** distinguishable.

Palgrave Gardens Freehold Co Ltd v Consensus Business Group (Ground Rents) Ltd

Reasoning (2)

- Palgrave Gardens, to the eye of a non-engineer, is a single albeit very large and irregularly shaped building;
- All the blocks on Palgrave were built at one time and as a matter of common sense they comprise a single building;
- The premises do not need to be the smallest self-contained unit it is possible to identify: **Malekshad v Howard de Walden; 41-60 Albert Palace Mansions (Freehold) Ltd v Crafrule Ltd.**

Thank you for listening

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