

Welcome to Landmark Chambers' webinar

“Bridging the Gap”:

Planning Pointers for Property Practitioners

Jenny Wigley, Myriam Stacey, Miriam Seitler and Kimberley Ziya

The recording may be accessed [here](#).

Scenario A

- A lease contains the usual tenant covenant requiring the tenant to comply with the Planning Acts.
- Landlord suspects the tenant has converted the premises from a single private dwelling to a house in multiple occupation.
- What should the landlord do to pursue the suspected breach?
- What should the tenant do to protect itself?

Scenario B

- A lease requires the tenant to seek landlord's written consent before making an application for planning permission, such consent not to be unreasonably withheld.
- "Planning permission" / "an application for planning permission" is not defined by the lease.
- Apart from an application for full planning permission, what other applications to the LPA might this encompass?

Scenario C

- A property is burdened by a restrictive covenant, for example 'not to be used other than as a single residential dwelling house'.
- The owner subsequently obtains planning permission to develop, subject to a condition which is incompatible with the covenant, for example that it can only be occupied as a residence associated with a business activity run from the property or can only be used as holiday accommodation.
- Other than trying to negotiate a release of the covenant with the owner of the benefitting land, is there anything the owner of the burdened land can do?

Scenario D

- After the grant of planning permission to a freeholder of the development site it is discovered that a tenant of a unit within the site had not been notified of the application.
- Freeholder now wishes to sell the freehold and the issue is holding up the sale.
- What does this mean for the planning permission and can the issue be corrected retrospectively?

Thank you for listening

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London

180 Fleet Street
London, EC4A 2HG
+44 (0)20 7430 1221

Birmingham

4th Floor, 2 Cornwall Street
Birmingham, B3 2DL
+44 (0)121 752 0800

Contact us

✉ clerks@landmarkchambers.co.uk
🌐 www.landmarkchambers.co.uk

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