

Insights

## BRIEFCASE 2023 QUARTER 4: KEY REAL ESTATE CASES AND UPDATES

Dec 20, 2023

*B&M Retail Ltd v. HSBC Bank Pension Trust (UK) Ltd*

### HIGH COURT WEIGHS UP LANDLORD'S REDEVELOPMENT PLANS WITH TENANT'S SECURITY OF TENURE IN BUSINESS LEASE RENEWAL

A landlord sought an immediately exercisable break in an unopposed business lease renewal to facilitate a redevelopment of its premises. The tenant argued that this defeated the purpose of the Landlord and Tenant Act 1954, which is to provide tenants with security of tenure. What did the Court decide?

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*The Ridgeway (Oxshott) Management Limited v. (1) Terence Desmond Mcguinness And (2) Emma Mcguinness*

### INJUNCTION AWARDED TO PRESERVE "ONE PLOT, ONE HOUSE" ESTATE POLICY

An estate management company obtained an injunction preventing owners from building a second home on their plot, with the court upholding the estate’s “one plot, one house” policy.

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*Harmohinder Singh Gill v. Lees News Ltd*

## **COURT OF APPEAL CONSIDERS PARAMETERS OF “BAD TENANT” GROUNDS IN OPPOSED LEASE RENEWAL CASE**

A corner shop tenant resisted its landlord’s four-pronged opposition to the renewal of its lease in spite of its “bad” conduct.

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*Wolverhampton City Council (and others) v. London Gypsies And Travellers (and others)*

## **SUPREME COURT BACKS NEWCOMER INJUNCTIONS**

The Supreme Court has ruled that ‘newcomer injunctions’ can be obtained by landowners against unknown persons in anticipation of them actually committing, or even threatening to commit, unlawful acts in relation to land.

[Read more >](#)

*Peter Martin Kay v. Joanne Sarah Cunningham (1) Barry Nix (2)*

## **UPPER TRIBUNAL MODIFIES RESTRICTIVE COVENANT TO ALLOW FLORENCE NIGHTINGALE'S CHILDHOOD HOME TO BE USED AS A B&B**

The owner of a substantial heritage property used several bedrooms in his home for a B&B business in breach of a restrictive covenant. In spite of his cynical breach of the covenant and objections from neighbours, his application to modify the covenant was successful.

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