



## Real Estate Legal Update

October 2020

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### Ensure that Temporary Concession does not become Permanent

Current circumstances have encouraged short term collaborative and practical approaches to breaches of restrictions and rights, however there is inherent danger in any such breach being ignored or accepted in the mid to longer term as this may risk the ability to enforce compliance in the future. Find out more by [clicking here](#).



### S102 orders explained

Local Planning Authorities have a discretion to alter or discontinue lawful planning use of land. Brendon Lee explains the powers given to the Planning Authority under s102 of the Town and Country Planning Act 1990 [in his article](#) '*Can a local planning authority order the discontinuance of lawful uses and development on land? S102 orders explained*'.



## Airbnb passes to HMRC details of individuals incomes

As part of a deal in respect of Airbnb's own unpaid tax, Airbnb has passed onto HMRC the detail of incomes earned by its landlord App users who rent out property in the UK. [Read more here.](#)



## Older covenants still have life in them

A recent High Court case has highlighted the enforceability of older covenants even if, at the point when they are being considered, it is not obvious which land benefits from the covenant. To read more [click here.](#)



## Yield Up Covenant required Asbestos Removal

A recent High Court case that held a tenant liable for breach of its yielding up obligations reminds us of the importance of undertaking environmental due diligence before entering contractual obligations. To read more [click here.](#)



## Court of Appeal rules that planning conditions cannot require land to be dedicated as highway

DB Symmetry Ltd v Swindon BC concerned a planning permission for employment development in Swindon which included a condition that the proposed access roads be constructed in such a manner as to ensure that each unit was served by a fully functional highway. The local planning authority considered that the condition required the developer to dedicate the roads as public highway. The Appeal court disagreed. Read more in our latest article [here.](#)



## Get it right – Legal ownership

The consequence of how a property is legally held was exposed in a recent case. The property was held "jointly" so passed automatically to the co-owner on death. This (the executors of the first to die) argued was not what was intended. To read more [click here.](#)



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