



Hewitsons Real Estate

LEGAL UPDATE

March 2020

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COVID-19 free Real Estate legal update

Over the last few weeks I along (no doubt) with many of you have gone through a roller coaster of experiences and emotions as my children's exams were cancelled, my father went into isolation, groceries became hard to come by, my job was relocated to home and then the whole country was put into lockdown. But what are the silver linings to come out of this situation? Apparently, carbon emissions have reduced, community spirit is being widely demonstrated, hospitals are being built in weeks, modern technology is being embraced, and many dogs from Battersea dogs' home are being rehomed.

As businesses and communities adapt to the "new normal" Hewitsons are seeking to keep you up-to-date on all COVID-19 developments. To download our COVID-19 html real estate special [click here](#), and to read some pragmatic advice on rental negotiations from David Wells [click here](#), or how it impacts environmental and planning law [click here](#).

[Hewitson's website](#) has articles on how the coronavirus pandemic impacts on many aspects of our lives whether in the real estate, agriculture or construction fields or for employment, insolvency and private client work. However, this issue focuses on those matters that we in the property world will have to grapple with once this is all over. Meanwhile keep safe and focus on the silver linings, for instance our dog (surrounded 24/7 by all the family) is happier than he's ever been.

Sarah Humble is a real estate professional support lawyer at Hewitsons llp. Keeping the Hewitsons real estate teams uptodate with all legal developments including those resulting from the current pandemic. To contact her email sarahhumble@hewitsons.com.



Mineral ownership

Do you own the minerals underneath your property? The answer is not necessarily yes.

Emma Bowman and Bryan Guest discuss the ownership of mines and minerals, what rights there are to exploit them and what risks there are for developers in relation to third party rights. Please [click here](#) to read further.

Hewitsons can help landowners and developers with both appraising the risk posed by mineral rights and the steps needed to mitigate and work around them. Please contact Emma Bowman on 01223 532717 or [click here](#) to email Emma; or Bryan Guest on 01604 463146 or [click here](#) to email Bryan, for further help and information.



The Minimum Energy Efficiency Standard Regulations 'MEES' - Important update

Despite the current circumstances the UK (and the world) finds itself in, property rules continue to apply.

Residential Property

Since 1 April 2018, Landlords wishing to grant a new lease of their residential properties in England and Wales are required to bring their property to at least an energy performance rating ('EPC') of E, unless an exemption applies. The deadline for all Landlords of residential property complying with this standard is 1 April 2020, when all Landlords who are renting their property must ensure they are following these regulations. A Landlord who fails to abide by the MEES Regulations, may face significant penalties which are calculated by reference to the rateable value of the property.

Commercial Property

These changes in the regulations will extend to all existing commercial leases from April 2023, with the minimum required standard for EPCs being an E rating. The regulations stipulate that any Landlord continuing to let a property for 3 months in breach of this standard, will face a fine of 10% of the property's rateable value, up to a sum of £50,000.

One of the few positive consequences of the current UK lockdown is that carbon emissions have reduced. The global world pandemic may also mean that citizens all over the world will increasingly work together to seek to minimise emissions where possible.

For further information contact Sophia Papworth on 07741 311460 or [click here](#) to email her.



Government publishes proposals for planning reform

The Government has set out its plans for housing and planning reform in its 'Planning for the Future' policy statement. There are a lot of measures outlined, but key proposals include new permitted development rights for building upwards on existing buildings by summer 2020, including to extend residential blocks by up to two storeys and to deliver new and bigger homes. They will also consult on the detail of a new permitted development right to allow vacant commercial buildings, industrial buildings and residential blocks to be demolished and replaced with well-designed new residential units which meet natural light standards. Further measures to accelerate planning are promised in a Planning White Paper which was planned to be published in the Spring, including the introduction of a new planning fee structure linked to a new performance framework and automatic rebates where planning applications are successful at appeal. In view of the current closure of parliament and the ongoing crisis it seems unlikely that the Planning White Paper will be published in the Spring but no doubt these issues will be progressed over an extended time frame.

For more information contact contact Gemma Dudley on 01223 532747 or [click here](#) to email Gemma.



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