

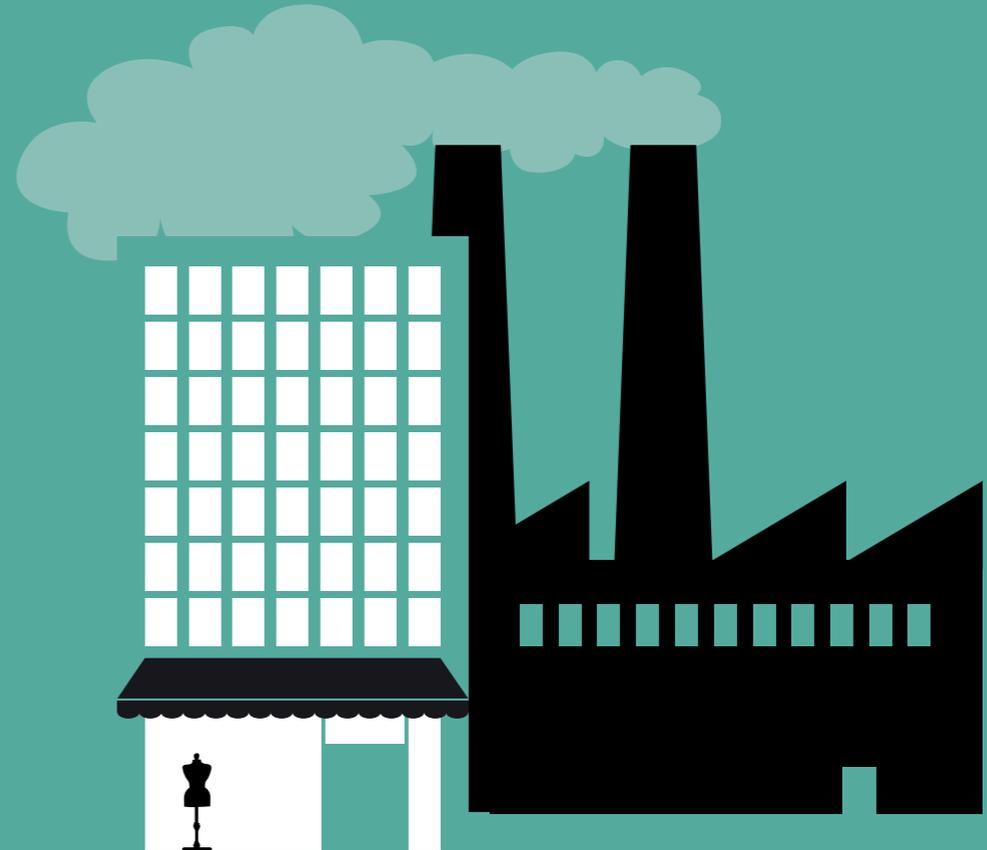


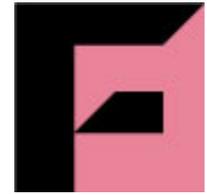
Falcon Chambers

Caroline Shea KC White Paper Conferences

Redevelopment in Focus: Opposing lease renewals under Section 30(1)(f) of the 1954 Act

falcon-chambers.com





Overview

- **Legal framework of s.30(1)(f)**
- **Extent of works required**
- **Tenant occupation**
- **Role of expert evidence**
- **Disclosure strategy**



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The Statutory Ground

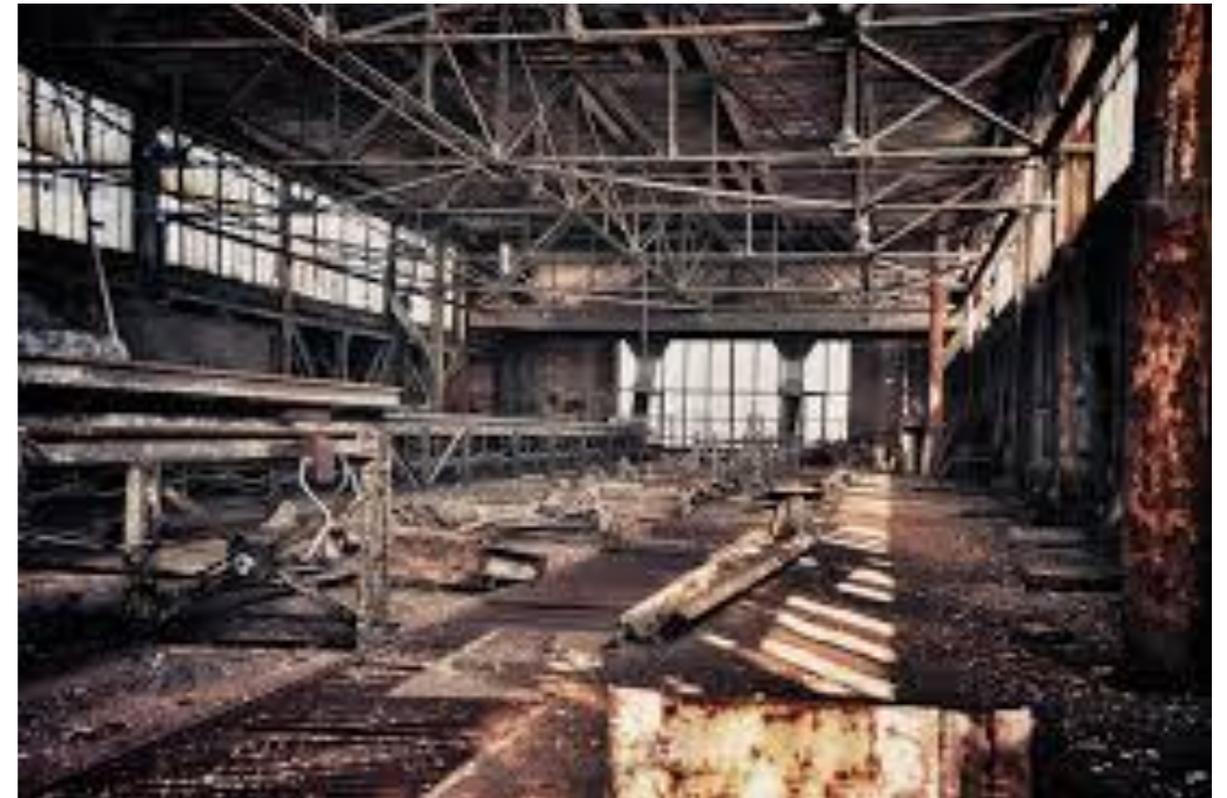


Section 30(1)(f):

Landlord intends to demolish/reconstruct or carry out substantial works and cannot reasonably do so without possession.

Three elements:

- **Genuine intention**
- **Substantial works**
- **Need for possession**



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Key case law

Settled intention

***Cunliffe v Goodman* [1950] 2 KB 237**

**Intention must be independent of
tenant right to renew the lease**

***S Franses v Cavendish Hotel* [2018]
UKSC 62**



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Extent of the Works: S Franses



- **Must be more than cosmetic**
- **Economic feasibility matters**
- **Would the landlord still do these works if the tenant left?**
- **Avoid contrived or artificial schemes**

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Extent of the Works: dividing line



1. Genuinely major redevelopment – strong case

OR

2. Tailored or marginal works – high risk of failure

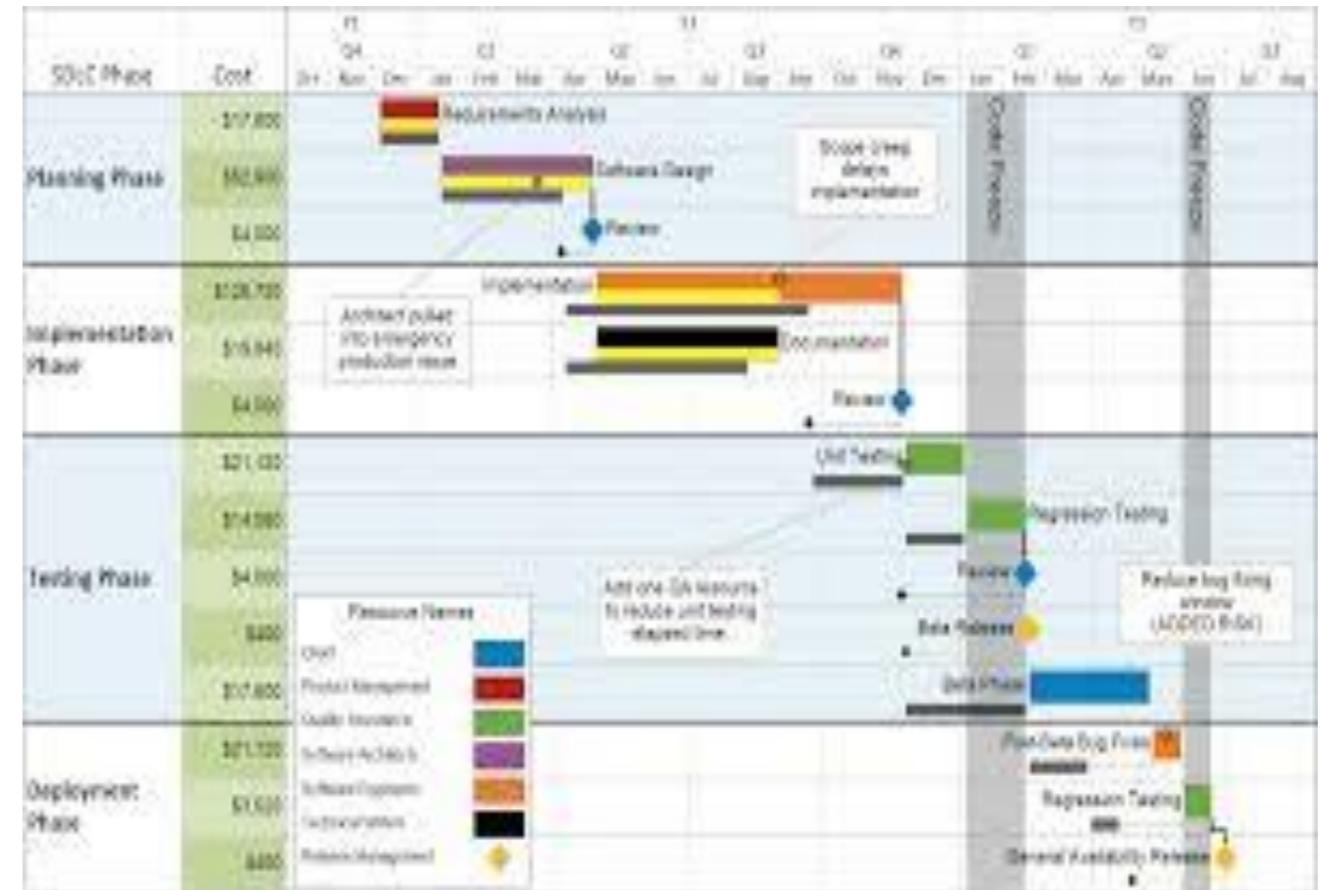


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Extent of the Works: effect on occupation

- Could works be phased?
- Could tenant remain safely?
- Court asks: is possession truly necessary?



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“The holding”



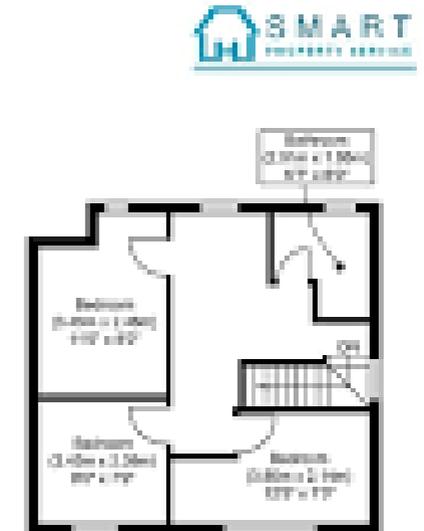
(1) Tenant retreats into part of the holding

(2) Floor lowering

Sainsbury’s Supermarkets Limited v Medley Assets Limited [2024] (unreported) HHJ Roberts, Central London County Court



Ground Floor
Approximate Floor Area
1,087.37 sq. ft.
(101.52 sq. m)



First Floor
Approximate Floor Area
289.87 sq. ft.
(27.15 sq. m)



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Expert evidence



- **Architects: layout, method, disruption**
- **Quantity Surveyors: cost and phasing**
- **Planning Consultants: permissions**

To demonstrate

- **Intent**
- **Scale**
- **Impracticability of tenant remaining**



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Timing

- **Works must begin on lease termination**
- **Planning, funding, contracts must be in place**
- **No speculative or conditional intentions**



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Disclosure



Landlords:

- **Board minutes and emails**
- **Finance agreements**
- **Construction plans and budgets**
- **Business plans**
- **Planning permissions**



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Disclosure

Tenants:

- Part 18 Requests
- CPR 31.14 Disclosure Applications
- BUT avoid making landlord's case



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Guidance (1)



Landlords:

- Engage experts early
- Create paper trail
- Consider undertaking



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Guidance (2)



Tenants:

- **Test landlord's intention**
- **Request detailed disclosure**
- **Challenge works' necessity**
- **Extent of holding**

