



When must a landlord have an intention to redevelop in order to refuse a renewal lease under the LTA 1954?

The Court of Appeal has dismissed an appeal against a refusal to order a new tenancy under the Landlord and Tenant Act 1954 (LTA 1954), where the landlord had opposed the grant of the new lease on the basis that it intended to redevelop the demised premises under ground 30(1)(f) of that Act.

The tenant argued that the landlord had to show that it had possessed the necessary intention at the date on which it served a notice ending the existing tenancy under section 25 of the LTA 1954. The Court of Appeal held that the changes made to the LTA 1954 in 2004 had not altered the legal position, and that the date on which the landlord must show its intention to redevelop the property remains the date of the court hearing to determine whether a new lease should be granted.

While this case dealt with an apparently small change in statutory wording, had the Court of Appeal agreed with the tenant, this would have had severe consequences for some applications for renewal leases. The law on when the landlord has to show the intention needed to satisfy ground 30(1)(f) of the LTA 1954 has been established for over 50 years and a change to this position would potentially have thwarted a number of attempts by landlords to resist the grant of renewal tenancies.

It will be reassuring to all to know that the law has not changed on this point, in spite of the amendments made to section 25 of the LTA 1954 by the RRO 2003. We are also relieved that we do not have to consider if the landlord has the necessary intention to redevelop at different points, depending upon how the lease was brought to an end.

Hough v Greathall Ltd [2015] EWCA Civ 23