

Update



Lanyon Bowdler
SOLICITORS

Your quarterly bulletin on legal news and views from Lanyon Bowdler

A GROWTH IN DEMAND FOR THE COMMERCIAL PROPERTY TEAM

By Praveen Chaudhari, Head of Commercial and Agricultural Property.



The property market is buoyant in the region, with our commercial property department reporting that 2019 was one of our busiest years for some time, across all of our offices – Shrewsbury, Telford, Oswestry, Ludlow, North Wales and into Herefordshire.

Agricultural property has also been very strong, and we have been assisting with a lot of landlord and tenant legal work.

The political uncertainty and the prospect of leaving the European Union has not had any obvious effect on the property market in Shropshire. As a county we have long been punching above our weight, and the market has been as positive as we can remember. It will be interesting to see what happens this year, but the market is very much open for business and we are looking forward to more of the same this year.

Our commercial property specialists in Oswestry have also seen a growth in demand across the area, particularly for commercial leases. One such deal involved the reopening of The Cross Keys – an important part of the community in Kinnerley, near Oswestry. The pub had been closed for five years but is now leased to an experienced couple who have been managing pubs for 15 years, following an extensive refurbishment by a local builder. It's wonderful to see such a well-known pub restaurant being brought back to life in this way for the good of the community.



SPOTLIGHT ON CLARISSA PRITCHARD



Clarissa Pritchard is the latest commercial property specialist to join the firm and is based at our head office in Shrewsbury.

Clarissa has acted on behalf of some of the largest housebuilders with having worked previously for Eversheds Sutherland (International) subsequently joining Lanyon Bowdler in October 2019.

Clarissa has experience in negotiating and completing both conditional and unconditional contracts, option agreements and various other real estate and infrastructure matters.

Clarissa is a personable individual, passionate about the continued growth of the Welsh economy. Having grown up in the Welsh countryside, Clarissa's local knowledge is of great assistance when dealing with matters day to day. Clarissa is also a bilingual Welsh speaker.



THE IMPORTANCE OF BUSINESS LPAs



Many people assume their family or business partner will be able to step in while they are injured or ill – but that's simply not true.

It is vital for business owners to have the correct legal documents in place to protect their business if they are suddenly unable to work for a period of time.

It may not be something you want to think about, but you have to be prepared in case you are struck down by something that affects your mental capacity. It could happen suddenly and without warning – and if you are a business owner, it could have serious repercussions for your livelihood.

There may also be occasions where you are physically incapable of running your business, through something as common as the flu or a broken bone, or even if you are abroad or on holiday and are unable to get to a particular place to sign a contract in time.

The legal answer to these problems is a Lasting Power of Attorney (LPA), which can either cover just your business affairs, or both your personal and business lives. It is common practice to create one LPA for your personal affairs and one in relation to your business.

Many people assume that a business colleague, or spouse, will be able to pick up the reins, but there is no automatic right for someone to deal with another person's affairs.

Unless you have appointed someone, legally known as your attorney, then the disruption to your business could be substantial. For example, it may not be possible to access bank accounts, and if your business cannot enter into contracts, or pay its staff, then the consequences could be severe.

Your attorney can be anyone aged over 18, and it is vital to think about who you trust to make these decisions for you, and also whether they are reliable and have the skills to carry out the role.

By Giles Scott, Head of Private Client.

WILL THE NEW GOVERNMENT DELIVER ON PLANNING LEGISLATION MANIFESTO PLEDGES?



Among the headlines in the Conservative Party's election manifesto was a pledge to continue progress towards the target of building 300,000 new houses a year by the mid-2020s, as well as the publication of a white paper outlining plans to support the continued supply of social homes.

They also committed to “putting infrastructure first” by changing planning rules so the infrastructure, such as roads, schools and GP surgeries, comes before people move into new homes, and promised a £10 billion Single Housing Infrastructure Fund to help deliver it faster.

Leading figures from the planning sector are now calling on the government to increase resources for planning departments to help them deliver sustainable development.

The Royal Town Planning Institute has said there is now a “golden opportunity to invest in the much-needed infrastructure to unlock the potential to deliver the communities that people want to live in”, while the National Housing Federation says the government needs to urgently provide clarity on future funding for affordable house building.



All eyes will now be on whether the new government would deliver on its election pledges. It will be interesting to see how planning policy develops under the new government, particularly relating to affordable housing and permitted development.

It's no surprise that groups such as the National Housing Federation immediately called for certainty on funding for affordable homes, because clearly the urgent need for more homes has not gone away.

In 2019 the government implemented plans to give more flexibility in planning rules by extending Permitted Development Rights, particularly in relation to converting various types of buildings into new homes. This was highly contentious with fears expressed that it would reduce the number of affordable homes being built and compromises the quality of homes, so we await to see how permitted development rights will develop under the Conservative government in this area.

By Tracy Lovejoy, Associate Lawyer.

“Very kind and understanding staff.”
AR, Hereford

ELECTRONIC SIGNATURES – A SIGN OF THE TIMES?



When was the last time you signed a document with an actual pen – in ink? If you can’t remember, you’re certainly not alone. An increasing number of contracts are now signed electronically using a variety of online methods, prompting questions as to the legality of these agreements which have not been confirmed with a “real” signature.

Electronic signatures can be carried out remotely, dispensing with the need for face-to-face meetings meaning a saving of time, travel, potential manpower and administrative costs. Plus, there could also be benefits to the environment with less use of paper and therefore less waste.

There are a number of issues to consider before a business should decide whether electronically signed contracts are best suited to them.

The world of corporate and commercial law is held in place by certainty; this certainty is paramount to business transactions. With the Law Commission having confirmed that electronic signatures can be used to sign formal legal contracts, electronic signatures are now, with much more certainty, seen as a safe and legal way for individuals and businesses to sign contracts. This allows for remote transactions, which can hold the same degree of validity as ‘wet’ signatures. With electronic signatures being accepted in statute, the certainty and level of trust in transactions is maintained, whilst simplifying the transactional process.

However, using electronic software to close contracts can be an expensive option. The software will also need constant updates as developments are made by the software developers. Larger businesses may more easily afford this and cover the costs with the savings they make in other areas, but smaller businesses may want to consider this carefully. One further disadvantage is that parties to a transaction may well never meet. This can be seen to be problematic as agreements may be better drafted, or drafted to a more suitable level, if face-to-face meetings occur.

On the plus side, a higher level of security can be guaranteed by using electronic signatures. This is because electronic signatures contain the signature itself, as well as traceable information, such as who signed it, when it was signed and where they signed it. Other advantages are that it isn’t so easy to destroy or lose electronic documents and they can be found more easily online than looking through paper files.

Parties can also opt to receive only electronic copies of such agreements, saving paper, and contributing towards a greener

footprint. There are large cost savings owing to this as well because the printing, scanning and sending of documents can be completely eliminated.

Although a ‘wet’ signature is the best first choice, electronic signatures are binding and will be accepted commercially and legally.

Overall, electronic signatures can be seen to be highly beneficial within the business world. The advantages do, on the whole, tend to outweigh the disadvantages, so they are certainly here to stay.

By Abi Croft, Legal Assistant, Corporate & Commercial.



SPOTLIGHT ON MARK TROMANS

Mark joined Lanyon Bowdler in October 2019 and is a corporate and commercial solicitor based in Telford.

He went to university locally in Wolverhampton, where he obtained a 2:1 undergraduate degree in law. He also completed the Legal Practice Course there, and achieved a distinction.

Mark is experienced in business sale and purchase transactions and various commercial agreements such as:

- General terms of business
- Shareholders’ agreements
- Software licence agreements

Since joining Lanyon Bowdler, Mark has provided a range of services to both longstanding clients of the firm as well as new clients, thus expanding the influence of the department further. Whilst at the firm, Mark has advised clients on a range of issues including share sales and purchases, partnership agreements and advising clients on Brexit preparations.

By joining the team, Mark has increased the capacity of the department and ensured that the team can offer a wider range of flexible pricing depending on the complexity and urgency of client needs.

“Can’t fault the service we received.”
OS, Oswestry

PLANNING ISSUES REGARDING YURTS AND CAMPING PODS

One issue which raises its head from time to time, concerns the ever developing world and diversification of outdoor activities such as ‘yurts’ and other camping and leisure activities on land.

This can be particularly relevant to some of our farming and other clients in rural areas.

A recent planning appeal has considered the planning issues, which may apply to such activities, and a planning inspector’s decision has held that ‘camping pods’ were to be treated as buildings for the purposes of planning law and regulations.

In this case, a local planning authority took enforcement action against the erection of (four) camping pods which the appellant argued were not permanent but should be treated as caravans.

Unfortunately for the appellant and in the circumstances of this particular case, the independent planning inspector when considering the matter on appeal concluded that the pods did not fall within the definition of ‘caravan’ which is set out in the Caravan Sites And Control Of Development Act 1960.



His decision was based upon a number of factors, such as the degree of permanence of the pods and physical attachments to the ground.

He ruled that the pods would constitute ‘operational development’ under section 55 of the Town & Country Planning Act 1990.

Accordingly, the planning appeal was dismissed and the enforcement notice upheld which means that the appellant must now remove the pods within the terms specified in the council’s enforcement notice, or face prosecution.

We have previously published advice and articles about similar issues and would welcome any queries from clients who would like further clarification of the law and the relevant factors, which might apply to such initiatives.

Lanyon Bowdler has a team of specialist and experienced planning lawyers who are able to offer advice on such matters.

By David Brammer, Head of Planning.

Our People, Your Team

Contact **Lanyon Bowdler** to find out about the full range of legal services we offer

info@lblaw.co.uk • www.lblaw.co.uk

OFFICES

SHREWSBURY

T: 01743 280280 • F: 01743 282340 • DX: 144320 Shrewsbury

BROMYARD

T: 01885 488442 • F: 01885 488533 • DX: 328901 Bromyard

CONWY

T: 01492 557070 • F: 01492 562653

HEREFORD

T: 01432 352345 • F: 01432 263708 • DX: 17201 Hereford

LUDLOW

T: 01584 872333 • F: 01584 876459 • DX: 26883 Ludlow 1

OSWESTRY

T: 01691 652241 • F: 01691 670074 • DX: 26603 Oswestry

TELFORD

T: 01952 291222 • F: 01952 292585 • DX: 28071 Telford

info@lblaw.co.uk • www.lblaw.co.uk

