

Application under Section 84 of the Law of Property Act 1925 to discharge or modify a restrictive covenant

For office use only	
Office stamp (date received)	
LC /	/

Tick boxes where applicable and provide the relevant information for your application.

1. Applicant’s details

Name							
Address							
Postcode	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>						
Telephone number(s) (if not represented)							
Email address							

2. Applicant’s representative

If this section is completed all communications regarding this application will be with the representative.

Name							
Address							
Postcode	<table><tr><td></td><td></td><td></td><td></td><td></td><td></td></tr></table>						
Telephone number(s)							
DX number							
Email address							
Capacity in which the representative acts							

State whether a lay representative or a solicitor, surveyor or other professional.

3. Application land

Postal address
(or Ordnance Survey
reference and area)

Postcode

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Land Registry title
number

Also provide:

- a recent copy of the Land Registry entry including the title plan
- a plan with the application land clearly indicated in **red**

4. Applicant's interest in the application land

The applicant's interest in the application land is:

- ☐ Freehold
- ☐ Leasehold
- ☐ Other contractual interest (enclose a copy of the contract)

5. Other person(s) with an interest in the application land

(tick as appropriate)

- ☐ No other person has an interest in the application land
- ☐ The following persons have an interest in the land (For example, as landlord or joint owner)

Name

Address

Postcode

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Nature of interest

(attach additional sheets, if required)

6. Confirmation

I confirm that:

(tick as appropriate)

☐ a) This application is made by all persons with a legal or beneficial interest in the land or is made with their consent

☐ I enclose signed consents

☐ b) This application is made without the consent of the following interest holders:

Name

Name

Name

7. Adjacent/nearby land in which the applicant has an interest

(tick as appropriate)

☐ Not applicable

☐ The applicant has an interest in the following land which is adjacent or nearby to the application land and which is clearly indicated in green on the plan showing the application land:

☐ Freehold

☐ Leasehold

Postal address
(or Ordnance Survey
reference and area)

Postcode

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Land Registry title
number

Also provide:

- a recent copy of the Land Registry entry
- a plan with the additional land marked in **green**

8. The Restriction(s)

Set out in full, word for word, the text of each restriction to be discharged or modified. Use the same numbering for each relevant restriction as used in the document that imposed the restriction. If the restrictions were imposed by different documents, for each restriction or set of restrictions identify which document imposed it or them.

'Restrictions' means covenants that restrict the landowner's use of the land or buildings. The Tribunal has no power to modify or discharge positive covenants (such as, those that require action or expenditure by the landowner) so these should not be included in the application.

9. How the Restriction was imposed

Identify and provide a copy of the deed, conveyance, transfer or other document that imposed the restriction(s) **including its date and the parties to it**. If there is more than one instrument, a copy of each must be attached including a coloured copy of any attached plan. If a copy of any document is unavailable please explain what steps were taken to obtain a copy and attach other documentary evidence of the restriction(s) imposed by it.

1.

2.

3.

10. Land with the benefit of the restriction

The benefited land should be marked in **yellow** or **brown** on the plan, and the names if known, and addresses of all those who may be entitled to the benefit of the covenant should be listed. Attach additional sheets if needed.

By identifying land which may be entitled to the benefit of the covenant the applicant is not taken to admit that the land does have that benefit and is not prevented from arguing that the owner of the land is not entitled to enforce the covenant.

If there is uncertainty about the extent of the benefited land the Tribunal will assume until the matter is clarified that the benefit attaches to all land in the immediate neighbourhood of the application land.

Name

Address

Postcode

Land Registry title
number

Name

Address

Postcode

Land Registry title
number

11. Other land subject to the burden of the restriction

(tick as appropriate)

- ☐ The covenant restricts the use of the application land only
- ☐ Other land is also subject to the burden of the covenant (this land should be described below and clearly indicated in blue on the plan showing the application land)

12. Is the application in breach of any of the restrictions?

☐ Yes If yes, give details below ☐ No

If yes, is the application being made following a stay of proceedings under section 84(9) of the Law of Property Act 1925?

☐ Yes If yes, give details below ☐ No

13. Planning permission

Provide details of planning permissions applied for, granted or refused relating to the application land in the last 5 years (enclose a copy of any current approval); there is no need to provide copies of documents that are not specific to the land, for example, the Local Plan.

14. The application

The application is for:
(tick as appropriate)

- ☐ Discharge (complete section 15)
- ☐ Modification (complete section 16)
- ☐ Discharge or modification in the alternative (complete sections 15 and 16)

15. The application for discharge

(tick as appropriate)

A. ☐ The application is for discharge of the restriction(s) on the following ground(s):

Law of Property Act 1925 subsection 84(1) –

Choose all relevant options.

☐ (a) ☐ (aa) ☐ (b) ☐ (c) ☐ Not applicable

B. ☐ I attach a statement of case in which I provide details of all the facts relied upon to establish each of the grounds on which I rely for the discharge of the restriction(s) and the reasons for considering that ground or those grounds apply

Note: relevant particulars for the different grounds may include some or all of the following:

(a) Changes in the character of the property; changes in the character of the neighbourhood; other circumstances by reason of which the restriction ought to be deemed obsolete.

(aa) Details of the reasonable use of the application land that is impeded by the restriction;

Information about planning including any relevant provisions of the development plan; any current planning permission for the proposed use; planning permissions or refusals of planning permission showing a pattern for the relevant area;

information about the period the context in which the restriction was imposed, and other relevant circumstances;

if money is claimed to be adequate compensation, how much compensation the applicant proposes to pay.

(b) Details of any express agreements to discharge the restriction;

Details of any acts or omissions that are relied on as implying agreement to discharge or modification.

(c) Any matters relied on as showing that there would be no injury.

16. The application for modification

(tick as appropriate)

A. ☐ The application is for modification of the restriction on the following ground(s):

Law of Property Act 1925 subsection 84(1) –

Choose all relevant options.

☐ (a) ☐ (aa) ☐ (b) ☐ (c) ☐ Not applicable

B. ☐ I apply to have the restriction(s) modified:

to permit (provide details)

or

as follows: (provide details)

C. ☐ I attach a statement of case in which I provide details of all the facts relied upon to establish each of the grounds on which I rely for the modification of the restriction(s) and the reasons for considering that that ground or those grounds apply.

Note: relevant particulars will include some or all of (a), (aa), (b), (c) as set out above.

Checklist for enclosures

Please attach each enclosure as a separate document when emailing the application.

I have enclosed with this notice:

(tick as appropriate)

- ☐ a plan or plans marked in different colours to show the application land, any additional land in which the applicant has an interest, any additional burdened land and the benefited land
- ☐ current copies of all relevant Land Registry entries
- ☐ a copy of the deed, conveyance, transfer or other document that imposed the restriction including a coloured copy of any attached plan, or if unavailable, alternative documentary evidence of the restriction
- ☐ a copy of any current planning permission
- ☐ plans of proposed development
- ☐ a statement of case

Fees

I have also enclosed a cheque payable to the 'HM Courts & Tribunals Service' (not the Lands Chamber) for:

- ☐ the filing fee of £1,025

Paying by Bank transfer – When you submit your application, please let the Tribunal know this is your preferred method of payment and details will be provided.

Declaration, signature and date

(attached additional sheet if required)

I am/we are:

(tick as appropriate)

- ☐ the applicant(s)
- ☐ the solicitor for the applicant(s)
- ☐ the agent of the applicant(s) (enclose authority to act signed by the applicant(s))

I/We have paid the setting-down fee of **£1,025** and accept responsibility for the conduct of the case and the payment of later fees.

Signed

Dated

Name

Signed

Dated

Name

You should submit documents and track your case online with the Tribunal's E-Filing service
<https://www.gov.uk/guidance/hmcts-e-filing-service-for-citizens-and-professionals>

(Keep a copy of the application for yourself and note that you will be required to provide a copy to potential objectors)

If a party has appointed a professional representative, all forms and documents must be submitted to the tribunal using the E-filing service.

If you are not a professional representative you can send your documents to:

The Registrar
Upper Tribunal (Lands Chamber)
5th Floor
Rolls Building
7 Rolls Building
Fetter Lane
London
EC4A 1NL

DX160042 Strand 4

Phone: 020 7612 9710

Fax: 0870 761 7751

Email: lands@justice.gov.uk

Please visit our website to see:

- the Rules and Practice Directions governing procedure in the Tribunal
- the Fees Rules showing the fees payable during the proceedings
- the User Guide with information about potential costs liability and other matters to assist parties

If you do not have internet access, these documents may be requested from the Tribunal.