

Your Legal Questions

Stephen Soper
Partner & Solicitor



Q I have a lease of a shop and want to carry out some alterations. My lease says that I need the Landlord's consent. Can you explain this please?

A Where a tenant wants to do something under the lease such as carry out alterations, sell or sublet, he will often require the consent of the landlord. Consent will usually be documented in a licence, in this case Licence for Alterations. The wording of the lease is crucial when considering the landlord's obligations to the tenant. The landlord may be under a duty to act reasonably when considering the tenants request, and you may have seen words in your lease such as "not to be unreasonably withheld". If there is no such wording then the landlord has absolute discretion, he can simply say 'no'. However, in the case of alterations there are circumstances where legislation intervenes to allow certain alterations to be carried out.

You will also need to read the lease to see what alterations are actually permitted. For instance, structural alterations may well be expressly prohibited but internal non-structural alterations, like demountable partitioning, may be allowed with the landlord's consent. Sometimes the lease may allow such non-permanent alterations without any consent at all.

When applying to the landlord for consent you must provide all information needed to allow him to consider the application. He will need full details of the works proposed which will then be included in any licence for alterations. The lease will usually provide that the tenant must pay the landlord's costs in considering any request for consent under the lease.

Landlord's consent does not operate as a planning consent or a building regulations approval and you will need to deal with these separately.

Once you have decided what alterations you require consult a solicitor at an early stage to consider your lease and approach the landlord for consent.

Stephen Soper is a Partner and Solicitor in the Commercial and Property Department of Powells Solicitors

Direct dial 01934 637915

soper@powellslaw.com