21. Escaping from Restrictive Covenants

Complete Land Law: Text, Cases, and Materials (6th edn)
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Titles in the Complete series combine extracts from a wide range of primary materials with clear explanatory text to provide readers with a complete introductory resource. This chapter discusses the various options available to developers whose plans are obstructed by restrictive covenants. It covers ignoring restrictive covenants; attempting to buy out the dominant owners; identifying who can enforce a restrictive covenant; obtaining a definitive list of dominant owners; modification or discharge of a covenant under s84(1) of the Law of Property Act 1925; grounds for discharge or modification of restrictive covenants (obsolete, obstructs some reasonable user of the land, practical benefit and public interest); and balancing interests of the parties.

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