

## Understanding Light Obstruction Notices – top tips

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At Cripps, we've assisted clients many times in the registering of Light Obstruction Notices ("LONs") in order to prevent the acquisition of rights of light where no rights currently exist. The forms needed to register LONs are not entirely self-explanatory and so we also assist our clients in understanding what to do should a LON form be received in relation to future neighbouring development work.

### How to apply for a Light Obstruction Notice

There is a set procedure for a developer to follow should it wish to register a LON on a neighbouring property in order to prevent it acquiring a right of light. That procedure includes applying to the Lands Tribunal to obtain a certificate that adequate notice has been given to the persons likely to be affected by the registration of a LON. This results in neighbouring owners receiving standard forms from the developer team setting out the specific dimensions and location of a hypothetical screen. This obstruction is usually described as a screen of infinite height. A short notice setting out that a fictional screen is going to be put in place on the developer's boundary is not the simplest concept to grasp if you have not seen a LON before.

### How could a Light Obstruction Order affect a neighbour

To better understand how a LON may affect a neighbouring owner we need to look at other factors, including the planning history and any relevant leases. That gives a better picture of what rights of light may already exist or may shortly be acquired.

If a right of light already exists then the LON will need to be dealt with by the neighbouring owner otherwise it risks losing any rights it's building has acquired by over 20 years continuous enjoyment of light through defined



windows or any other apertures.

The question often arises as to what can be done if there has not yet been over 20 years continuous enjoyment of light through defined windows. It depends on how close to 20 years it is since the apertures for the windows were first constructed. The legislation that put in place the concept of LONs (the Rights of Light Act 1959) is not the best drafted piece of legislation ever enacted. There are some holes in what it says and some potential outcomes that may not have been intended by the Lords that amended the legislation before it was enacted. How far we might push those points on behalf of a neighbouring owner might depend on whether the potential development will likely cause an actionable interference to any rooms in the neighbouring building. We work with a lot of excellent rights of light surveyors who can measure up and provide a view on what the effect of the potential development might be on the level of light enjoyed.

Assuming that everything is put in place correctly by the developer team (and in time) then the fictional screen is deemed to be erected when the LON is registered as a local land charge. If such a LON stays in place for at least a year then it constitutes a sufficient interruption to prevent a neighbouring building acquiring a right to light by long enjoyment.

## How we can help

There are plenty of pitfalls though and intricacies that can make this relatively straightforward process complicated. We can help steer you through that process in order to achieve the outcome that you want. Contact our expert [property disputes team](#) for help.



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