

Wheeldon v Burrows [1879]

Evidence

Wheeldon was the owner of a workroom and the area near it. They both were exhibited for sale. A piece of land and a workroom/barn were sold independently to two different people. However, it became obvious that there was not enough light in the workroom, since it had only a couple of small windows that overlooked the field. Hence, the light penetrated through them. However, the new holder of the land constructed a wall. As a result, he limited the amount of the light that was necessary to illuminate the workroom.

Problematics

The issue of the case is to clarify if there was a legal regulation that determined the amount of light that would reach the workroom from the side of the land.

Resolution

In most cases, easements over tenancy or implied grants are either conveyed or continue over the land. Generally, such constructions are regarded as a part of the tenements. Hence, there is no further involvement on behalf of the giver. But when Wheeldon was selling his property, he did not preserve the right which would enable the light to illuminate the workroom. Consequently, this right was not passed over to Burrows when he bought the workroom. According to the law, the new owner of the land could construct or block the windows according to his expectations, since it was not forbidden or restricted. The Court stated that the new owner of the workroom did not have an implied right; hence it was not provided to him when he purchased the workroom or before doing this. In addition, it was claimed that continuous and apparent easements over part of any land, which were essential for possessing the part of the land, were a constituent part of the grant. Consequently, they were conveyed to the new owner. This regulation could be referred to while investigating this case if both the workroom and the land had been purchased by one person. Based on the fact that the land and the workroom were sold to different people, the owner of the workroom did not obtain this right. Consequently, the appeal was declined.

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