

Purchase of a Building Plot

We set out below **some** of the more important matters which you should have in mind when purchasing a Building Plot. This list is not intended to be exhaustive and does not obviate the need for any additional Searches, enquiries and inspections as may be considered appropriate either at the initial states or as and when the transaction progresses further :

Plot Dimensions

Apart from any requirements of the Local Authority, you should of course, satisfy yourself that the dimensions of the Plot are sufficient to house the building project and any attendant outbuildings. You should consider whether the finished item, particularly a dwellinghouse, will have sufficient garden / car parking space within the Plot.

Be Clear What You Are Buying

You should be absolutely sure that what you have contracted to purchase is what you end up buying ! This may sound fairly obvious, but many legal cases have arisen as a result of inadequately surveyed / measured out Boundaries. Without in any way wishing to tell anyone how to do their job, it would probably be best if a Site Meeting was arranged between you and the Seller and, if appropriate, any Surveyor / Architect acting for either or both of you, so that the Boundaries can be “pegged out” on the ground by reference to fixed points, so that no confusion arises as to what it is you are buying. As it may not be clear from the legal documents, you should also try and establish ownership of Boundary structures.

Construction Within the Boundaries

You should be sure that you can adequately construct the Property including its footings and foundations and any overhanging projections without encroaching upon neighbouring / adjoining Properties. If this is not the case, then appropriate arrangements will have to be made with neighbouring owners to allow reasonable access during the construction works.

Location

If the Building Plot is presently surrounded by open space or undeveloped areas, please let us know as it may be appropriate to extend the ambit of the Local Authority Search beyond the Building Plot itself to establish to what extent there have been any previous Planning Applications or whether there are any current Applications pending in respect of any adjacent land.

If the Plot is bordered by any stream, ditch, or other natural / manmade waterway, please let us know as there can be certain specific rules as to ownership and maintenance of such structures. You should also, in those circumstances, check the stability of any ditch / waterside Boundaries.

Terms Agreed with the Seller

You must let us know what, if any, terms have been agreed with the Seller regarding the imposition of any covenants and conditions affecting either the original building project or its subsequent use, extension, alteration etc.

Planning

If Planning Permission Already Exists

You should ensure that any Planning Permission which has been obtained by or on behalf of the Seller adequately meets your requirements regarding the proposed construction project. You should be absolutely clear and you should also have regard to any “in-formatives” which might accompany the Planning Permission giving guidance as to various other issues, such as Highway requirements, proximity of Public Footpaths, land drainage arrangements etc.

You will have to check carefully to ensure that the Drawings accompanying any existing Planning Permission are not only accurate as to the extent of the Boundaries of the Plot / Development, but also that the same accords with the extent of the Property actually within the Seller’s ownership. It is not unknown for Planning Permission to inadvertently be obtained on land which does not in fact wholly belong to the Seller !

If you have any doubt as to the extent of any Planning Permission which has been obtained by the Seller, then you should make enquiries direct of the Local Authority and the same would be the case if you have any doubts or concerns as to any Conditions forming part of the Planning Consent.

If you are content with the Planning Permission which has been obtained by the Seller, then you should establish the availability of all Working Drawings etc which may have been prepared by the Seller’s Architect in connection with the Planning Application, as it would probably be sensible to try and utilise those Drawings if they were available. Normally the copyright of Planning Drawings remains with the Architect / Surveyor who prepared them so it **might** be necessary to obtain specific confirmation that the copyright will be released and the Drawings made available to you generally at no extra cost.

If Planning Permission Has Not Yet Been Obtained

You must of course consider carefully the nature of any Application which you intend to submit or which you intend to instruct an Architect / Surveyor to submit on your behalf. Generally speaking the local Planning Authority is duty bound to give a response to a Planning Application within eight weeks of its receipt. Normally, Local Authority Planning Committees sit at designated intervals to consider Planning Applications. The timing of lodgment of an Application can be fairly crucial, depending upon when the next available Planning Committee Meetings are scheduled.

Conditional Contract

If you are obtaining your own Planning Permission for the building project then the Seller would normally expect an exchange of Contracts “conditional” upon Planning Permission being obtained. The wording of any such clause would have to be carefully scrutinized to ensure that you could, if necessary, opt out of the Contract if the Planning Permission or any Conditions attaching to it were unsuitable or unworkable in any way.

Existing Services Which Might Hinder Building

You should carefully check to establish to what extent, if at all, there are any existing service facilities passing through or beneath the surface of the Plot. You should carry out appropriate inspections and if necessary arrange access for digging of trial pits etc. This particular item is very important. Although appropriate questions will be raised of the Sellers they may be unaware of the existence of any subterranean service facilities and you will have to rely on your Survey.

Services For The New Build

You should check the availability of Services e.g. water drainage gas electricity and telephone supplies and route. If all appropriate Services have already been brought on to the Plot from the mains then that will be the simplest arrangement because you can then just make appropriate connections for the new building project.

If you are looking to connect into existing services which run through the Plot but which serve also neighbouring / adjoining properties then you must establish whether you can lawfully connect into those facilities and whether in fact the Seller has any legal capability of granting appropriate connection rights. This is not always the case as the Seller may not have appropriate legal standing to grant Rights for any such facilities which pass onwards through third party properties en route to the mains connection.

If Services have not been brought into the Plot, or there are no existing facilities which can lawfully or practicably be connected into, then you will have to establish the position of mains services relative to the Plot and you will also have to be sure that connections can be made to those Services without first passing through or beneath third party property.

Location and availability for use of Services is essential and is something which must be investigated and clarified at the early stages of the transaction. It would probably be best to try and arrange for a plan to be prepared showing the route of any existing / nearby Services so that we can then establish to what extent, if at all, legal rights for connection exist, can be granted by the Seller or may have to be obtained from third parties.

You must ensure that any connection charges are paid to the relevant Utility Companies for the provision of Services to the new Property to be constructed.

If the Property cannot be connected to the mains drainage then please let us have full details of any private drainage system which is to be installed and confirmation that the same meets with the relevant requirements of the Environment Agency (as to discharge) and the Building Control Department as to construction.

Access

It is essential that the Property can be accessed with or without vehicles either from an adjacent Public Highway, or alternatively across a privately owned accessway, provided that all legal rights for use of the same exist. Grey areas can sometimes arise regarding "Roadside Verges" which can sometimes effectively turn out to be "no man's land". Again particular attention must be paid to this aspect of things. Please tell us as soon as possible if the position is not clear.

Visibility Splays

You must be sure that any requirements of the Highway Authority are complied with, particular vis-à-vis any visibility splays and suchlike which might be required. If visibility splays are required then some care must be given to establish to what extent if at all, the visibility splays lie outside the boundaries of the Plot and if so whether these can be located within existing Public Highway, grass verge or suchlike, or whether the visibility splays will in fact encroach on to third party Property.

Reserved Matters

If during the course of the Building Project it is necessary to obtain the Local Authority's consent to any "reserved matters" which may be referred to in the original Planning Permission, please would you ensure that such matters are dealt with in correspondence, so that ultimately we can establish to a Purchaser's Solicitor that all reserved matters have been satisfactorily attended to.

Environmental Issues

It is the Buyer's duty to establish whether the Plot is or could possibly be affected by any contamination or pollutants arising from a previous use of the Property. The current Landowner is the one who will generally be responsible for the cost of any "clean up" operation. Unless you have personal knowledge of the Site history, we would always recommend an Environmental Search be carried out, but such Searches are generally based on "desk bound" information maintained by the Local Authority / Environment Agency etc which is somewhat scant and not always accurate. To some extent, you must therefore rely upon your own judgment and "local" knowledge which you may have or which you may be able to obtain from speaking to the local inhabitants. You should not rule out the possibility of carrying out soil tests.

Site Levels

Although more of a constructional matter, you should establish by conventional methods, the general topography of the Site with particular reference to surface water drainage and the availability of surface water soakaways, drains, etc which might be in existence or which might have to be constructed.

Building Regulation Completion Certificate

From a Building Regulation point of view, you will have to arrange a final inspection of the Property and it would be most helpful if the original Completion Certificate issued by the Building Control Officer is forwarded to us for placement with the Deeds.

Do you need information on other issues ? We have Information Leaflets available on a variety of subjects.

They are available on our website www.bevirs.co.uk or please ask at any of our Offices :

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