



Residential Property Searches

A guide by PCB Solicitors

You are advised to carry out searches before acquiring any interest in a property to ensure that you are aware of financial liabilities, restrictions and any other matters affecting it. The standard searches are as follows:

Local authority search

The results of this search will reveal the following if they affect the property:

1. Planning history: this is essential to ensure your proposed use of the property is permitted. If it is not, you may have to go to the expense of applying for a planning permission. This can take a minimum of 16 weeks.
2. Planning conditions:
 - 2.1. Outstanding work to be carried out or payments to be made to comply with a planning permission and for which you may become liable on acquiring your interest in the property. Taking on such a liability may prove to be expensive.
 - 2.2. Restrictions on the permitted use of the property, which may adversely affect your use of it.
3. Planning and Building Regulation enforcement notices: if there are outstanding breaches of planning law and/or Building Regulations, when you acquire the property you may be liable for all costs involved in rectifying any such breach.
4. Charges: these are payments to be made in relation to the property in respect of: drainage and sewerage works; repair or demolition of dangerous buildings; building cleansing works; and making-up of roads.
5. Conservation areas, building and tree preservation orders: if the property is affected by any of these, your proposed use of the property and future alteration and/or development of it may be severely restricted.
6. No access from a public highway: If the property does not adjoin a public highway, we would have to ensure that you have been granted relevant access over land adjoining the property to the public highway.
7. Proposals for road schemes: a new road scheme in the vicinity of the property may impact on access to the property or possibly involve the compulsory purchase of part or possibly the whole property.
8. Environmental notices: the cost of complying with such a notice can be significant and you can be liable as the owner/occupier even if you did not cause the circumstances giving rise to the notice.
9. Compulsory purchase: If the property is subject to a compulsory purchase order, there may be no point in proceeding with the purchase or if you do you could re-negotiate the price.

Drainage and water enquiries

The replies to these enquiries will reveal important information about the water and drainage services at the property, in particular whether or not mains services are connected to the property. If they are not we will have to undertake further enquiries as to how such services are provided to the property. The results will also show where the mains are located in relation to the property.

Chancel repairs

This search will establish if the property may be liable to contribute to the upkeep of a church. This liability can run into hundreds of thousands of pounds. It is sometimes difficult to ascertain whether a property is affected by a chancel repair liability because the records held at the National Archives are incomplete. Chancel repair insurance may be available and may be appropriate in certain circumstances.

The following searches will be undertaken if they are relevant to the property and you will be advised accordingly:

Coal mining search

If the property is in an area where there is or has been coal mining, this search will ascertain whether the property is affected, has been affected, or may in the future be affected by subsidence as a result of coal mining.

Limestone search

If the property is in the Telford and Wrekin area, a search may necessary to establish if there has been any mining of limestone in the vicinity causing subsidence.

Commons registration search

This search will reveal if the property is subject to: grazing rights; recreation rights; and/or rights of way. If so your use and/or future development of the property may be severely hindered or not permitted at all.

Railways

If the property is in the vicinity of a railway it may be affected by various rights and restrictions in favour of the rail operator which may impact on your proposed use and/or development of the property. Unfortunately, there is no obligation on the rail operator to respond to our enquiries. If they do not respond, we will advise you of the implications in so far as they relate to the property.

Waterways

If the property is in the vicinity of a canal we will undertake enquiries of British Waterways to establish: liability for maintenance of the canal and/or flooding; rights of way; drainage rights; fishing rights; and the existence of water abstraction licences.

Index map search

An index map search should always be made if the property includes any unregistered land or if the contract plan is not the plan registered at the land registry in respect of the property. The results will reveal matters affecting the title to the property such as: someone claiming an interest in the property that may override yours if you acquire the property; a financial charge.

Flood searches

It is increasingly important to consider whether a property is at risk of flooding. A flood risk search can assess the risk from river, surface water and ground water flooding and also whether or not insurance can be obtained.

Index of relating franchises and manors

A franchise is a right or privilege, granted by the Crown or acquired by long use, such as the right to hold a market or fair, or to take tolls. Manors date from pre-Norman times and a lordship of the manor title may no longer have any land or rights attached to it but if the property is affected your future use of it may be hindered.

Properties outside of Shropshire

Additional searches may be required if the property is outside Shropshire. You will be advised of these separately.

Of course every property is different. If you want to discuss searches for the property you are considering purchasing, please do get in touch by contacting us.



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