



Your home purchase: neighbouring development plans

When it comes to choosing a new home, your future surroundings can be as important as the building itself. But could somebody else's development plans affect your property?

In this article we consider the planning and development information a local authority search will reveal, and offers some tips for buyers.

Some buyers get a nasty shock

Many buyers think their local authority search will tell them about any development proposals that could adversely affect them. However, that is not always the case, as two recent examples show.

Mrs G was excited to be moving into a new area and bought a house next to a primary school. She knew the school was there, but the school was small, so she did not foresee any problems. A little later, she discovered the school had permission to build an extension. The extension would overshadow her home and restrict her views. Mrs G also worried that the development would devalue her property and make it harder to sell in the future.

In another case, Mr D bought a house on a new estate and was shocked to discover soon after that a local road closure meant heavy traffic would be routed past his front door. The wide road and grass verges had attracted him to the property in the first place. He was unaware of plans to create a new access point on the estate so that the road could take through traffic.

In both cases, the buyers' solicitors had carried out a standard local authority search. Although the search results were correct, they did not reveal the development proposals and left the buyers feeling very disgruntled.

Your local authority search – what it will and will not reveal

When you are buying a property, your solicitor will carry out a standard local authority search. This includes a search of the local land charges register. The results will include details of any planning applications which affect a specific property at the time of the search. However, they will not give you any information about planning applications, or consents,

which relate to neighbouring properties. So, in Mrs G's case, they would not have told her about the school's plans to build an extension.

A local authority search includes replies to a set of standard enquiries. These are also generally limited to the property itself. They will not tell you about proposals for adjacent or adjoining properties and are unlikely to give you very much neighbourhood insight.

This basic local authority search effectively forms part of a standard conveyancing checklist. A good solicitor should recognise what makes you, and your purchase, unique. Rather than treating the local authority search as a box ticking exercise, they may suggest additional searches and enquiries. These could give you more information about likely planning and development changes, which could influence your decision to purchase.

Concerns over a wider area may need additional enquiries

Your solicitor may recommend a separate planning search to reveal existing consents and applications relating to nearby properties, typically within a 250 meters radius of the property you are buying. So, it should, for example, tell you if your prospective neighbour has permission to build an overbearing extension. Or if a high-density housing development is planned for those open fields, the views over which 'sold' the property to you.

If you instruct a local conveyancing solicitor, you will also have the benefit of their personal insight into the area, something a remote online conveyancer is unlikely to be able to match.

Your solicitor's background and experience may also pay dividends when it comes to interpreting the search results. For example, in the case of a house on a new development, like Mr D's, a basic local authority search should reveal the planning permission which authorises its construction. However, that permission alone may not tell you about what is happening elsewhere on the estate and surrounding area. A solicitor with local knowledge, who understands that permission in the context of the planning history of the entire estate, may help give you a fuller picture.

Safeguarding your purchase

If you have any specific concerns about the property you are buying, then discuss these with your solicitor early on. They can then tailor their searches and enquiries to best reflect your requirements. For example, if a view is important to you, they can check whether there are any plans to develop on neighbouring land that would spoil it.

It is important to appreciate that any search will only provide a snapshot in time. Because there is no plan to develop land at the point you buy your home, it does not mean an

application to do so may not be made in the future. Making the most of local knowledge and tailored investigations can reduce the risk of disappointment, allowing you to concentrate on enjoying your new home.

For further information, please contact Sallie Fenty partner and head of our residential property team on 0118 939 3999 or email salliefenty@dextermontague.co.uk .

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