

Planning Control and Building Control

When buying a property purchasers will expect their solicitors to undertake a local search with the local authority in which the property is situated.

Among other information the local search will reveal planning decisions which affect the property, commonly planning consents and refusals and Section 106 Agreements.

Copies of consents and agreements can be applied for separately for a small fee, or can be requested from the seller's solicitor.

It is important to check the conditions on planning consents as these can remain valid indefinitely unless they have been breached for ten years, or by their nature cannot continue because they relate to a single act (e.g. demolition of a building).

Section 106 agreements are a means of binding an applicant to provide a public benefit. For example, a developer of a residential estate may be required to provide a play area or a certain proportion of "affordable housing", or an individual may be required to contribute to highways expenses such as painting yellow lines for parking restrictions.

Building control relates to the standards which must be observed in constructing new buildings and in installing plumbing, heating and electrical systems in new and existing buildings. The latter are normally dealt with by means of certificates from authorised suppliers.

Decisions can again be discovered in the local search and copies can be obtained for a small fee. For newly constructed buildings remember to obtain not only the original consent but also the "completion certificate" showing that the building has been inspected at each stage, and that the final stage is satisfactory.

It is important to check these documents when buying a property since enforcement measures can be taken by the local authority for noncompliance potentially for an indefinite period.

A typical example of where planning and building control are relevant is where there has been an extension at the house being purchased.

Normally both types of permission are required. In the case of conservatories, exemptions can apply, depending on the position, size, and method of construction.

Further information can be obtained from local authorities, either direct or via their websites. Please also feel free to contact us with any queries.

Alison Fielden & Co, The Gatehouse, Dollar Street, Cirencester, Glos, GL7 2AN

Tel: 01285 653 261

Email: alison@alisonfielden.co.uk