



## Guide to Property Searches

### ***What are the main property searches?***

The main searches carried out before exchange of contracts are:

- The Local Authority Search
- The Water & Drainage search

### ***What are "Searches"?***

Before you become bound to buy the property on exchange of contracts your conveyancer will make a number of property searches with various bodies such as Local Authorities, Water Authorities and other potential agencies. These searches are essential, since the searches might reveal serious problems with the property. The sellers may not have told you about the problems, or they may not know about them. None of this information is held by the Land Registry, and it may not be discoverable by inspecting the property. *In some circumstances, your conveyancer may also recommend:*

- Environmental search
- Flood risk search
- A Common Land/Town & Village Green Search
- Mining Searches- such as coal, brine, tin, chalk, clay, limestone
- A Planning search

### ***Why are Searches important?***

If you discover problems after you have exchanged contracts to buy the property, you will not be able to back out, even if the problems mean you cannot get a mortgage on the property. The property may turn out to be worth much less than you have agreed to pay for it, and you might not even be able to live in it, or use it lawfully. You will not be entitled to any compensation from the seller if you discover the problems later.

*If you discover a problem before you exchange contracts, you have various ways of dealing with any issues revealed by the searches:*

Your conveyancer may ask further questions to see how serious the problem is, and what solutions there might be to the problem.

You may negotiate a price reduction or take out insurance

You might insist the seller deals with the problem, by getting any missing approvals or consents.

You might get a surveyor or builder to advise you how serious the problem is, especially if there may be safety issues at stake

You, or your Lender, might decide the property is unacceptable and withdraw from the transaction.

### ***What does a Local Search reveal?***

The search will be accurate at the date it is made and matters can of course change thereafter. We would not normally renew a Local Search for a period of six months. If the search is older than this then we would recommend that a new search is carried out. Many points are checked by the Local Search including:

**Planning permissions, Listed Building and Building Regulations-** any current or pending planning, building control or listed building applications, consents or refusals, planning agreements, compulsory purchase orders, or enforcement action.

**Roads-** Is the road maintained at private or public expense? Is there a road adoption agreement, or any road proposals, traffic or railway scheme order, or a footpath affecting the property?

**Statutory Notices-** for example relating to Building works, Health and Safety, Environment and Housing, Public Health, Radon gas & Contaminated Land.

### ***Additional Enquiries***

There are additional optional local search questions that your conveyancer might suggest, for example:

- Road proposals
- Pipelines crossing the property
- Houses in Multiple Occupation (“HMOs”)
- Noise Abatement
- Environmental or Food Safety Notices

Please further be aware that the Local Authority Search will only reveal matters that directly affect the property searched against. The Search may not reveal matters relating to adjoining land or development within the area as a whole that may be of interest to you as a prospective purchaser. Current Planning Applications or Developments in the vicinity of this property will not be revealed in the Local Search. You should satisfy yourself from your own inspection of the property and the locality that there are no developments that may interfere with your use or enjoyment of the property. Bearing in mind the limitations of the Local Authority Search you should tell us of any particular reason why you are buying this property, as this may have a bearing on the additional enquiries which we can raise. If appropriate you should make your own enquiries with the Local Council. Alternatively we can raise specific enquiries with the Planning Authority. This could incur additional costs and disbursements.

### ***The Water & Drainage Search***

You cannot assume that a property has mains water and drainage- it is not unknown for the drinking water to come from wells, or for foul drainage to go to septic tanks, either on the property or nearby.

This search will confirm that the property has mains water, whether this is metered, and whether the drainage goes into a public sewer within the boundaries, or nearby.

Please note that if the public sewer is within the boundaries of your property you will not be able to build over, or within one metre of the central line of the sewer without the consent of the water authority, which will be given if you safeguard against damage to the pipes. Typically, this situation applies if you have any proposals to build an extension in the rear of the garden

### ***Mining Searches***

Properties in many parts of the country could be affected by subsidence caused by underground mining of over 60 different minerals, including coal, brine, tin, chalk, clay and limestone. While compensation claims may be made for subsidence damage as a result of coal mining or brine extraction, the physical and financial effects of subsidence caused by other types of mining may fall on you. An expert mining search should often be made to identify any potential risk, in addition to the usual coal and brine search. Your lender may insist on this.

### ***Environmental Searches***

Many Environmental risks can affect your property, including flooding, contaminated land, fracking, windfarms and HS2. A lot of this information can be searched freely on the internet. Please ask your conveyancer if you would like them to make an Environmental search.

### ***Planning Search***

This will show the detailed planning history of the property **and nearby** over the last 10 years. This is better than a Local Search, which is only concerned with the subject property and its immediate boundary. Please let us know if you wish us to make this search.

### ***Pre-completion Land Registry Searches***

After exchange of contracts, and before your purchase is completed, your conveyancer will also make a search at Land Registry to check the seller isn't insolvent, and that there are no new mortgages, notices or restrictions registered against the seller's legal title.

The Search will also give the registration of the transfer to you priority over other claims against the property.

**Talk to us! Please ask us to explain anything in this guide or discuss any unusual circumstances. We can then advise on what is best for you.**

**This is a general guide only, and each situation may be different and may need specific advice.**