

Property Searches - Client Guide

What are searches? | Why do I need them? | Climate change issues?

What are the main property searches?

The main searches carried out before exchange of contracts are:

- The Local Authority Search
- The Water and Drainage Search
- Environmental Search
- Flood Risk Search

In some circumstances, your conveyancer may also recommend:

- A Common Land/Town & Village Green Search
- Climate Change search
- Mining searches - such as coal, brine, tin, chalk, clay, limestone.
- A Chancel Repairs Search
- A Planning Search

Your conveyancer will make searches at Land Registry to check the seller's ownership and title information. The seller will also be expected to give comprehensive replies to the standard property enquiries.

Pre-completion 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.



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, Coal and Water Authorities and other 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 either. None of this information is held by Land Registry, and it may not be discoverable by inspecting the property. The searches are made with a number of different organisations, and we look at the main searches on the next page.

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 make 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

Your, or your lender, might decide the property is unacceptable and withdraw from the transaction. It is important to realise that just because your lender will accept the position, you should accept it too. The lender isn't going to live in the house or deal with the problems. Also they may not care that the house is worth a lot less, as long as they can sell it for more than the mortgage.



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What does a Local Search reveal?

Many points are checked by the Local Search including:

Planning Permissions, Listed Buildings 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 proposal, traffic or railway scheme, order or direction, or a footpath affecting the property?

Statutory Notices - for example relating to Building works, Health and Safety, Environment, Housing, and Public Health, Radon gas, and 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 Notices
- Food Safety Notices

The Local Authority Search

Your conveyancer can order either a Council Local Search from the Local Authority, or a Regulated Local Search from a private company regulated by the Property Codes Compliance Board.

Both provide the same details, however a Regulated Local Search may be quicker, and for a lower cost. Local authorities fees and time-scales can vary.

The Water and 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 pumping stations or 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. It will show on a plan any drains or sewers within the boundaries, or nearby. This information could affect any future development plans for the property.

Your conveyancer can choose to order the standard water authority search, or a Regulated Water & Drainage Report prepared by a private company from an inspection of the water authority's records.

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.

Chancel Repair Searches

Chancel Repair liability originated from the tithe system under which the land in a parish was liable to pay for any repairs to the church. This liability still exists and potentially affects approximately one third of all parish churches in England and Wales, covering almost 4m acres of land. Instant cost-effective searches are available to screen against any potential liability. Conveyancers and lenders generally consider that insurance should be purchased where a potential risk of liability has been discovered.

Environmental & Climate Change Searches

Many Environmental & Climate Change risks can affect your property, including ground instability, subsidence, river or tidal flooding, river bank or coastal erosion, contaminated land, fracking, heat stress, risk to water supplies including wells, wind-farms, HS2, etc. Conveyancers are not qualified to advise on the risks of Climate Change, as such advice should be given by a suitably qualified environmental scientist or an environmental search company. If you are concerned about the possible effect of Climate Change on a property you are buying, please ask us to make a Climate Change 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 property being searched against and its immediate boundary.



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